GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE COORG CODE:

CONSISTING OF

THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL, AND OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL IN FORCE IN COORG,

AND

THE LAND-REVENUE REGULATION MADE THEREFOR UNDER THE THIRTY-THIRD OF VICTORIA, CAP. 3.

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.
1880.

CALCUTTA:

PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING,

8, HASTINGS STREET.

PREFACE.

THIS, the Coorg Code, is published under the authority of the Government of India, and contains, first, the local Acts in force in Coorg; and secondly, the Land-revenue Regulation made for that Province under the thirty-third of Victoria, chapter 3. Madras Acts I of 1863 and I of 1873 have been included, as both were extended to Coorg and have not been expressly repealed there. But the former is obsolete, and the latter has been rendered superfluous by Act VI of 1879 of the Governor General in Council.

The present volume is founded on the official copies of the Acts of the Supreme Council and of the Council of the Governor of Madras and of the Regulations made under 33 Vic., c. 3, preserved in the Legislative Department.

The only changes made in reprinting are the following:

(*a.*) Repealed portions of Acts have been omitted, except in some cases where the repeal is not specific. In such cases the repeal is mentioned in a foot-note.

(*b.*) Where an Act directs that a section, a clause or words be inserted in a former Act, in reprinting the former Act, the insertion has been made.

(*c.*) Where one Act refers to another, and such reference is directed by a subsequent Act to be read as if made to the latter Act, the number, year and title of the latter Act have, as a rule, been substituted in the text.

(*d.*) Arabic numerals have been substituted for the Roman numerals used in the earlier Acts to denote the section-numbers.

(*e.*) Words belonging to oriental languages have been uniformly spelt.

(*f.*) Lengthy sections have sometimes been divided into clauses and paragraphs.

(*g.*) In some instances marginal notes have been added; in others, they have been shortened or corrected.

The Registrar, Legislative Department, is responsible for the correct printing of unaltered matter.

W. S.

CALCUTTA:
The 30th November, 1880.

TABLE OF CONTENTS.

PART I.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL, AND OF THE GOVERNOR OF FORT SAINT GEORGE IN COUNCIL IN FORCE IN COORG.

Year.	Number.	Subject.	Page.
1860	XXVIII	Boundary-marks	1
1863	I (Madras).	Subordinate Magistrates of second Class ...	8
1864	XVIII	Municipal Committees	9
,,	XX	Minors	13
1865	XXII	Municipal Committees	19
1867	III	Gambling...	20
1868	XXV	Courts	25
1870	XXVI	Prisons	32
1871	II	Prisons	43
,,	X	Excise	47
1873	I (Madras).	Elephants...	62
1874	XIII	European British Minors	65
1878	VIII (Madras).	Coffee-stealing Prevention	74
1879	XIV	Hackney-carriages	77
1880	XIII	Vaccination	81

PART II.—REGULATION MADE UNDER THE THIRTY-THIRD OF VICTORIA, CAP. 3, FOR COORG.

Year.	Number.	Subject.	Page.
1880	III	Land-revenue	89

THE COORG CODE.

PART I:

THE LOCAL ACTS IN FORCE IN THE PROVINCE OF COORG.

ACT No. XXVIII of 1860.

Received the Governor General's assent on the 29th of June, 1860.

An Act for the establishment and maintenance of boundary-marks, and for facilitating the settlement of boundary-disputes in the Presidency of Fort Saint George.[a]

Preamble.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue in the Presidency of Fort Saint George that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields, holdings, estates and villages, and for facilitating the settlement of boundary-disputes and claims; It is enacted as follows :—

1.—[*Repealed by Act No. XIV of 1870.*]

Power to fix boundaries and to require clearance of boundary-line and maintenance of marks.

2. It shall be lawful within the said Presidency for a Collector of land-revenue, or person exercising the powers of Collector, or for any Revenue Settlement-officer, and also for any other officer appointed by the Government for the purpose, whenever he may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes (or for conducting and perpetuating a survey or a settlement of land-revenue), to fix the boundaries of fields, holdings, estates or villages, and to require the owner or occupant of the field, holding or estate, or the headman (by whatever name designated)

[a] Extended to Coorg, Foreign Department Notification, No. 52, dated 15th February, 1865—*Gazette of India*, Part I, p. 186.

of the village, to clear the boundary-line where overgrown with jungle, and also to set up, form and maintain boundary-marks, of such materials, and in such number and manner, as may be determined by such officer under the direction of the Board of Revenue, or of the Director of Revenue Settlement, as the case may be, to be sufficient to distinguish the limits of the field, holding, estate or village.

Power to require registry and production of title-deeds before survey.

3. It shall further be lawful for such officer aforesaid to call upon the owners or occupants of lands about to be surveyed, and also on all persons claiming to have any rights or interests in such lands, to register the rights and titles exercised or claimed by them in the lands, and to produce before him for inspection and registry all grants, title-deeds and other documents connected with their claims.

Penalty for failure of owner, &c., to attend,

4. Any occupant or owner of land or other person whose attendance may be considered necessary for the purposes of this Act, who, on being summoned by such officer aforesaid, shall refuse or fail to attend at the demarcation, measurement or assessment of his field, holding or estate, or for the determining and marking the village-boundary, or for the investigation and registry of his rights and claims in relation to such holding, estate or property, or for the investigation and determination of any boundary;

and for false statement, &c.

and any person who shall wilfully make any false statement, or shall wilfully refuse or neglect, when called upon, to give any information in his power with respect to a boundary under enquiry,

shall be liable, by order of such officer aforesaid, to a fine not exceeding fifty rupees, to be levied by warrant under the hand of the officer imposing it, in the same manner as a fine imposed by a Magistrate for a misdemeanour, and with a like alternative of imprisonment in default, as defined in Act II of 1839.[a]

Service of notices on owners and occupants.

5. When a survey is in progress notices shall be served on the persons owning or occupying the fields, holdings, estates or villages concerned, requiring them to clear the boundaries, and to set up, form or repair, or to render such aid and labour as may be necessary to form or repair, under the supervi-

---

[a] Repealed by Act No. XVII of 1862.

The passage referred to is:—

How fines imposed under any Act are to be enforced.

"It is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate; and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed fifty rupees."

Imprisonment.

sion of the Government-officers, such boundary-marks as may be required, within a reasonable time;

and in the event of such persons not being found in their village, the notice shall be posted in a conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the said notice.

Power to erect or repair marks at expense of owners or occupants.

6. In default of the owners or occupants of the fields, holdings, estates or villages complying with such requisition, the said officer may give directions for the erection and repair of the necessary boundary-marks, the cost of which shall be equitably apportioned on the fields, holdings, estates or villages which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, holdings, estates or villages, in such manner as such officer aforesaid may consider just, and shall be levied in the same manner as arrears of land-revenue.

Procedure when owners or occupants require erection of marks at their expense.

7. Whenever such owners or occupants of any fields, villages, holdings or estates, may generally signify their wish for the boundary-marks to be erected on the part of Government and the cost to be charged to them,

or where, in arrangements for the demarcation of the general survey of a village, estate, taluq or district, it may appear to such officer aforesaid to be desirable to undertake the demarcation of lands under a uniform system by the officers of Government,

the officer aforesaid may proceed, without the previous notice prescribed in section 5, to the clearing of boundaries and the erection and repair of the boundary-marks, and may recover the cost of the same, if unpaid, in the manner described in section 6.

In case of unoccupied fields, &c., cost charged to Government.

8. In the case of unoccupied fields and of extensive hills and jungles in Government lands, the cost of marks for such fields, hills and jungles shall be charged to Government.

Penalty for erasing, &c., marks.

9. Any person convicted before a Magistrate or person exercising magisterial powers of wilfully and without lawful excuse erasing, altering, removing or injuring any boundary-marks whatsoever, whether established under this Act or otherwise existing, or any survey or other marks, or any marks set up for the purpose of the investigation or adjudication of disputes by an officer of Government or any person acting under his orders, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed or injured, of which fine a portion not exceeding one-half may be awarded to the informer, and the remainder shall be chargeable with the cost of restoring the mark; the fine to be levied in the mode prescribed above in section 4:

Reward to informer.

Extent of power to fine.

Provided always that a magisterial officer shall have power to impose a fine under this clause only to the amount to which he is competent to fine in misdemeanours under his general powers.

Costs how recovered when offender not known or unable to pay.

Whenever it may not be possible to detect the person who erased, altered, removed or injured such boundary or survey-marks, the officer as aforesaid may give directions for the restoration or repair of the marks, and may order the cost thereof to be charged to the owners or occupants of the adjacent lands in such shares as may appear to him proper, or apportioned among the raiyats of the village in proportion to their land-assessment, as he may consider just and equitable, the same to be levied in the manner prescribed above in section 6.

Application for reference to arbitration

10. If the parties interested in boundaries under dispute are desirous that the matter shall be referred to the final decision of one or more arbitrators, they may apply in writing to the settlement or other officer aforesaid, either in person or by their agents especially authorized on their behalf, and the settlement or other officer aforesaid shall proceed to dispose of the case as hereafter provided

Nomination and appointment of arbitrators.

11. The arbitrator or arbitrators shall be nominated by the parties in such manner as may be agreed upon between them.

If the parties cannot agree with respect to the nomination of the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, and the parties are desirous that the nomination shall be made by the settlement or other officer aforesaid, such officer shall appoint the arbitrator or arbitrators.

Majority of arbitrators to rule decision.

12. Where an equal number of arbitrators shall be appointed on each side, they shall collectively appoint another arbitrator to act with them, or in the event of their not agreeing or failing to appoint such further arbitrator, he shall be appointed by the settlement or other officer aforesaid; and in all matters the majority shall rule the decision.

Order of reference.

13. The settlement or other officer aforesaid shall, by an order under his signature, refer to the arbitrator or arbitrators the matters in dispute which he or they may be required to determine, and shall fix such time as he may think reasonable for the delivery of the award, the time so fixed being specified in the order.

Arbitrators to be furnished with information.

14. When a reference is made to arbitration by an order of the settlement or other officer, such officer shall furnish the arbitrators, or so far as may be in his power procure for them, any information which his records or those of any public department may afford connected with the subject of enquiry.

Summoning witnesses.

He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce

before them without such process, and require the person so summoned to bring and produce before them all such books, papers, deeds, writings, maps and plans as they shall require.

Persons so summoned shall be subject to all the provisions of the laws in force regarding persons summoned as witnesses before the Collector when acting judicially.

Extension of time for making award.

15. When the arbitrator or arbitrators shall not have been able to complete the award within the period specified in the order, from the want of the necessary evidence or information, or other good and sufficient cause, the settlement or other officer aforesaid may enlarge the period for the delivery of the award, if he shall think proper :

Provided that an award shall not be liable to be set aside only by reason of its not having been completed within the period allowed by the settlement or such other officer aforesaid, unless the award shall have been made after the issue of an order by the settlement or other officer aforesaid superseding the arbitration and revoking the institution of the enquiry.

Appointment in place of arbitrators dying, or refusing to act.

16. If, in any case of reference to arbitration by an order of the settlement or other officer, the arbitrator or arbitrators shall die, or refuse, or become incapable to act, it shall be lawful for the settlement or other officer to appoint a new arbitrator or arbitrators in the place of the person or persons so dying, or refusing or becoming incapable to act.

Award how submitted to settlement-officer.

17. When an award in any matter referred to arbitration shall be made, it shall be submitted to the settlement or other officer aforesaid under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions and other records, or authenticated copies thereof relating to the matter.

Power to modify or correct award.

18. The settlement or other officer may, on the application of either party, modify or correct an award where it appears that a part of the award is upon matters not referred to the arbitrators, provided such part can be separated from the other part and does not affect the decision on the matter referred ; or where the award is imperfect in form or contains any obvious error which can be amended without affecting such decision.

Power to remit award or matter referred.

19. In any of the following cases the settlement or other officer aforesaid shall have power to remit the award or any of the matters referred to arbitration, to the re-consideration of the same arbitrator or arbitrators upon such terms as he may think proper : (that is to say)—

If the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration ;

If the award is so indefinite as to be incapable of execution ;

If an objection to the legality of the award is apparent upon the face of the award.

Setting aside award.

20. No award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrators.

Any application to set aside an award shall be made within ten days after the same has been submitted to the settlement or other officer aforesaid.

Boundary when to be marked out according to award.

21. If the settlement or other officer aforesaid shall not see cause to remit the award or any of the matters referred to arbitration for re-consideration in the manner aforesaid, and if no application shall have been made to set aside the award, or if the settlement or other officer as aforesaid shall have refused such application, the settlement or other officer aforesaid shall proceed to pass a decision according to the award, and after duly furnishing the parties with a copy thereof, he shall proceed to mark out the boundary in accordance therewith subject to the provisions contained in this Act.

In every case the decision given according to the award shall be final.

Reference to arbitration of disputes as to occupancy by raiyats of zamíndárí lands, &c.

22. Where the claims and disputes relate to the occupancy of raiyats of zamíndárí and proprietary lands, the consent in writing of the settlement or other officer aforesaid on behalf of Government and of the zamíndárs or proprietors interested, shall be necessary for referring the disposal of such claims and disputes to arbitration, and the question of the disputed extent of such zamíndárí estate shall be determined as between the zamíndár or proprietor on one part, and the Government on the other, the Government being represented by the Collector, settlement or other officer aforesaid.

Settlement-officer may act as arbitrator.

23. The settlement or other officer aforesaid shall not be considered incompetent by virtue of his office to undertake the duty of an arbitrator in cases in which the conflicting parties may be desirous to nominate him as such.

Filing copy of decision.

24. A certified copy of every decision passed in accordance with the award of arbitrators under this Act by such officer aforesaid, shall be forwarded by him to the civil Court and be filed on its records.

Procedure when parties do not agree to refer to arbitration, &c.

25. Where the conflicting parties may not signify their agreement to refer the dispute to the final decision of arbitrators, or where any of the parties interested or concerned shall after due notice fail to attend for the investigation of the same, the settlement or other officer aforesaid shall proceed to investigate the claims, and in the case of any party failing to attend as aforesaid, shall make an *ex parte* investigation, and after examination of the witnesses and documents shall record his decision, and the grounds for arriving at it, and after duly informing the parties of the same, he shall proceed to mark out the requisite boundaries in accordance with the decision, which, subject to the revision of the authority to whom the said officer is immediately

subordinate, shall be considered as the determination of all claims and disputes until set aside by a formal decree of a civil Court.

An appeal shall lie to the civil Courts from this decision by regular suit, provided it be preferred within two calendar months from the passing of the same : Appeal.

Provided also that it shall be lawful for the Governor in Council, on just and reasonable cause for the same being shown, to extend the period for such appeal within such further period as may seem proper, and an order or endorsement under the signature of one of the Secretaries to Government shall be sufficient authority for the civil Court to entertain such appeal beyond the limit above specified. Power to extend time for appeal.

26. The proceedings of officers imposing charges or fines other than magisterial, under sections 4, 6, 7 and 9 of this Act, shall be recorded in writing, and shall be subject to revision by the authorities to whom such officers shall be immediately subordinate. Proceedings of officers imposing charges or fines.

An appeal shall also lie to the Board of Revenue or to the Director of Revenue Settlement, according to the authority to which the officer imposing the charge or fine may be subordinate. Appeal.

27. All fines levied under this Act shall be carried to the credit of Government, except when otherwise provided. Appropriation of fines.

28. It shall be lawful for all officers of survey and assessment, revenue officers, or other persons appointed by the Government for the purpose of investigating, settling or marking boundaries of fields, holdings, villages and estates, or measuring and assessing the same, and for all persons acting in aid and under orders of such officers, whenever it may be necessary in the performance of their duty, to enter, examine or measure, without let or hindrance, all lands whatever, whether such lands be the property of Government or of private companies or individuals ; and such officers aforesaid, as well as workmen or other persons acting in aid of and under their orders, are hereby indemnified for what they or any of them shall do under the provisions of this Act. Officers empowered to enter and examine private lands.

29. If any person shall obstruct, molest, or in any way interfere with any public servant conducting the demarcation, measurement or assessment of lands, or performing other duties provided for in this Act, such person shall be liable, on conviction before a Magistrate or person exercising magisterial powers, to a fine not exceeding fifty rupees, or, in default, imprisonment not exceeding two months for the first offence, and for a repeated offence, to a fine not exceeding one hundred and fifty rupees, or imprisonment not exceeding six months : Punishment for obstructing officers, &c.

Provided however that a magisterial officer shall have power to punish under this clause, only to the extent to which he is empowered to punish in cases of ordinary misdemeanour, under his general powers. Extent of power to punish.

Investing subordinate officers with powers.

30. It shall be lawful for the Governor in Council to invest any of the subordinates of the ordinary revenue establishments, or of the Settlement or Survey Departments, with any portion of the powers conferred under this Act.

Powers of Deputy Director of Revenue Settlement.

31. Any Deputy Director of Revenue Settlement, being a Sub-Collector and Joint Magistrate, shall be competent to exercise within the district within which he shall be employed, any of the powers ordinarily exercised by a Sub-Collector and Joint Magistrate within his charge; provided however that such Deputy Director shall only have cognizance of cases and offences connected with the duties of the Survey or the Settlement Department.

Power of control and revision in cases under Regulation IX, 1822.

In cases coming under Regulation IX, 1822,[a] of the Madras Code, tried before a Deputy Director under this section, the power of control and revision provided by clause 3, section 3, Regulation VII, 1828,[b] of the same Code shall be exercised by the Director of Revenue Settlement.

Regulations IX, 1822, and VII, 1828, applied.

32. All servants of the Survey and Settlement Departments shall be subject to the provisions of the said Regulations IX, 1822, and VII, 1828, of the Madras Code, and those Regulations shall apply to the Survey and Settlement Departments in the same way as they apply to the ordinary Revenue Department.

MADRAS ACT No. I OF 1863.[c]

Received the Governor's assent on the 23rd of January, 1863, and the Governor General's assent on the 25th of March, 1863.

An Act to enable Subordinate Magistrates of the second class to take cognizance of offences under section 174 of the Indian Penal Code.

Preamble.

WHEREAS, under the existing law, disobedience to a summons issued by a Subordinate Magistrate of the second class can only be punished by a Magistrate of a higher class; and whereas grave inconvenience has resulted therefrom; It is enacted as follows:—

Powers to Subordinate Magistrates, second class, to punish disobedience to summons.

1. Whenever any person, by disobedience to a summons lawfully issued by a Subordinate Magistrate of the second class, shall have committed an offence punishable under section 174 of the Indian Penal Code, it shall be lawful for the Subordinate Magistrate who issued the summons, or for any other Subordinate Magistrate, to take cognizance of the offence, and to punish the offender with simple imprisonment not exceeding ten days, or with fine which may extend to three rupees, or with both:

---

[a] See Madras Code, p. 91. [b] See *ibid.*, p. 100.

[c] Extended to Coorg, Foreign Department Notification, No. 370, dated 22nd September, 1865, *Gazette of India*, Part I, p. 1012. Repealed by Madras Act IV of 1867, but this repeal does not extend to Coorg.

Provided always, that nothing in this Act shall be construed to confer upon such Subordinate Magistrates authority beyond the local limits of their jurisdiction. Proviso.

2. In lieu of the word "ditto" in column 7 of the schedule annexed to the Code of Criminal Procedure, referring to section 174 of the Indian Penal Code, there shall be read the words— Amendment of schedule to Criminal Procedure Code.

"Magistrate of the District, or Subordinate Magistrate of the first class, or, in the Presidency of Fort St. George, Subordinate Magistrate of the second class, when acting under Madras Act No. I of 1863."

3. This Act shall be read and taken in the Presidency of Fort St. George as part of the Code of Criminal Procedure. Act to form part of Criminal Procedure Code.

4. This Act shall come into operation on the first day of June, 1863. Commencement.

ACT No. XVIII OF 1864.

Received the Governor General's assent on the 24th of March, 1864.

An Act to provide for the appointment of a Municipal Committee for the City of Lucknow.[a]

WHEREAS it is expedient to make provision for the appointment of a Municipal Committee for the city of Lucknow, and for levying duties on certain articles brought within the limits of the said city for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said city; It is enacted as follows:— Preamble.

1. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said committee shall consist of twenty-five members, of whom six shall be *ex officio* members. Appointment of municipal committee.

2. The persons for the time being filling the following offices[b] shall respectively be *ex officio* members of the municipal committee: that is to say, the persons filling the offices of— *Ex officio* members of the committee.

Commissioner of Lucknow,
Deputy Commissioner of Lucknow,
Inspector General of Police in Oudh,
Civil Surgeon of Lucknow,
Executive Engineer of Lucknow,
City Magistrate of Lucknow.

---

[a] Extended to Mercara and Vári Rájendrapett in Coorg, by Home Department Notification, No. 3518, dated 27th July, 1869, see foot-note, *infra*, p. 19.

[b] For *ex officio* members of Municipal Committee of Mercara, see *ibid.*, *infra*, p. 20.

Non-official members elected annually.

The non-official members of the said committee shall be elected annually by and from amongst the inhabitants of the city, and shall hold office for one year only, but shall be eligible for re-election.

Chief Commissioner to define limits of city, and to regulate mode of election.

3. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the city of Lucknow for the purposes of this Act.

He shall also declare who are, for the purposes of the last preceding section, to be deemed inhabitants of the said city, and shall lay down rules fixing the times when the election of the non-official members of the committee shall take place, and regulating the manner in which the elections shall be conducted.

Appointment of non-official members subject to his approval.

The appointment of every non-official member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

Chief Commissioner may remove non-official members.

4. It shall be lawful for the Chief Commissioner to remove from office any non-official member of the committee; and in the event of any such member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any person shall be elected to supply his place for the unexpired portion of the year for which such member was elected.

Powers of committee how limited or suspended.

5. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor General of India in Council to suspend or limit the powers or any of the powers of the committee.

President, Vice-President and secretary of committee.

6. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the secretary.

Duties and powers of committee.

7. The municipal committee, so far as the funds at their disposal will permit, shall keep the streets, drains and tanks of the city properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the city so far as such acts and things be not repugnant to, or inconsistent with, the provisions of this or any other law.

Contracts by committee and mode of contracting.

8. It shall be lawful for the municipal committee from time to time to enter into all necessary contracts for the purposes of this Act.

Such contracts, if in writing, shall be signed by the secretary and at least three members of the committee, and if any such contract be not reduced to writing, it shall be made with the secretary.

No contract made otherwise than as herein declared shall be in any way binding on the committee, and no contract involving an expenditure of more

than ten thousand rupees shall be binding on the committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

Members not personally liable upon contracts by committee.

9. No member of the committee shall be personally liable for any contract made or expense incurred by or on behalf of the committee; but the funds from time to time in the hands of the committee shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid.

Liability for breach of trust.

Every member of the committee shall be liable for any misapplication of any monies entrusted to the committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

Annual estimate of expenditure to be submitted.

10. The committee shall each year, on or before such date prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

Annual accounts and statements to be submitted.

11. The committee shall, as soon as may be after the first day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

Municipal Fund.

12. All such monies as the Chief Commissioner or any other person shall from time to time make over to the municipal committee for the purposes of this Act and all fines levied under this Act shall form a Municipal Fund, of which the committee shall be the trustees, and which shall be applied by the committee to the conservancy and improvement of the city of Lucknow, and to the payment of the salaries and wages of the officers and servants employed by the committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

Duty on articles taken into city for consumption or use.

13. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the city of Lucknow for consumption or use therein.

The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct.

Rates how fixed.

It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as bye-laws duly made by the committee.

Money received on account of duty to whom to be paid.

14. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner.

Out of the monies paid in under this section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

Power of committee to make bye-laws.

15. The municipal committee may from time to time make such bye-laws as they may think fit,

for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code;

for regulating the time and place of meeting of the committee;

the conduct of business at such meetings;

the division of duties among the members of the committee;

the appointment, suspension and removal of officers and servants of the committee, and fixing the salaries of such officers and servants;

for imposing penalties for the infringement of any bye-law made by the committee;

and generally for the management of all matters connected with the conservancy and improvement of the city.

The committee may also from time to time repeal, alter and amend any such bye-laws:

Provided that no bye-law shall be repugnant to any law in force:

Provided also that no penalty for the infringement of any such bye-law shall exceed fifty rupees, and that in case of a continuing infringement, no penalty shall exceed ten rupees for every day after notice from the committee of such infringement.

Bye-laws to be approved by Chief Commissioner.

16. No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Copies of bye-laws to be exhibited in office of committee.

17. A copy in the English and Hindustáni languages, of every bye-law and alteration of a bye-law for the time being in force, shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the office of the committee.

Effect of bye-laws.

18. All bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

Before whom prosecutions to be instituted.

19. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed may be recovered in the manner prescribed in section 307 of the said Code.

The amount of all fines realized shall be paid to the municipal committee and be applied by them to the purposes of this Act.

Control of Governor General in Council.

20. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor General of India in Council.

Power to extend Act.

21. It shall be lawful for the Governor General of India in Council to extend this Act to any place under the immediate administration of the Government of India.

Whenever this Act shall be extended to any place under the provisions of this section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow."

The Governor General of India in Council in extending this Act shall declare[a] what and how many persons shall be *ex officio* members of the municipal committee of the place to which it is extended.

Taxation for such place may be established in lieu of provisions of sections 13 and 14.

22. The Chief Commissioner of any place to which this Act shall be extended under the last preceding section may, with the sanction of the Governor General of India in Council, declare that sections 13 and 14 or either of them, or any of the provisions of those sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house-assessment or town-duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected:

Proviso.

Provided that no tax, duty or other rate shall be levied under this section in any place in which duties are levied under section 13 of this Act.

ACT No. XX OF 1864.[b]

Received the Governor General's assent on the 24th of March, 1864.

An Act for making better provision for the care of the persons and property of minors in the Presidency of Bombay.

Preamble.

WHEREAS it is expedient to make better provision for the care of the

---

[a] See foot-note, *infra*, p. 20.

[b] Extended to Coorg by Home Department Notification, No. 3993, dated the 25th August, 1871, *Gazette of India*, Part I, p. 648. The Superintendent (now Chief Commissioner) of Coorg authorized to exercise the powers of a Collector for the purposes of the Act, and the Judicial Commissioner of Mysore those vested in the High Court of Bombay by section 33, *ibid*.

persons and property of minors in the Presidency of Bombay; It is enacted as follows:—

Care of persons and property of minors vested in civil Court.

1. The care of the persons of all minors (not being European British subjects) and the charge of their property shall vest in the civil Court.

Persons empowered to apply for certificate of administration.

2. Every person who shall claim a right to have charge of property in trust for a minor under a will or deed or other instrument in writing, or by reason of nearness of kin or otherwise, may apply to the civil Court for a certificate of administration;

No person to institute or defend suit without certificate.

and no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge, until he shall have obtained such certificate:

Power to allow relative to act without certificate.

Provided that when the property is of small value, not exceeding rupees two hundred and fifty, any Court having jurisdiction may allow any relative of a minor to institute or defend a suit on his behalf, although a certificate of administration has not been granted to such relative.

Who may apply to Court to appoint person to take charge of property, &c., of minor.

3. Any relative or friend of a minor in respect of whose property such certificate has not been granted, or, if the property consist in whole or in part of land or any interest in land, the Collector of the district may apply to the civil Court to appoint a fit person to take charge of the property and person of such minor.

Application in case of property situate in more than one district.

4. If the property be situate in more than one district, any such application as aforesaid shall be made to the civil Court of the district in which the minor has his residence.

Notice to issue on application.

5. When application shall have been made to the civil Court either by a person claiming a right to have charge of the property of a minor, or by any relative or friend of a minor, or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same.

Summary inquiry.

On the day so fixed, or as soon after as may be convenient, the Court shall inquire summarily into the circumstances, and pass orders in the case:

Power to direct subordinate Court to make inquiry.

Provided always that it shall be competent to the civil Court to direct any Court subordinate to it to make such inquiry and report the result.

Grant of certificate to person entitled under instrument in writing.

6. If it shall appear that any person claiming a right to have charge of the property of a minor is entitled to such right by virtue of a will or deed or other instrument in writing, and is willing to undertake the trust, the Court shall grant a certificate of administration to such person.

Grant to relative.

If there is no person so entitled, or if such person is unwilling to undertake the trust and there is any near relative of the minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a certificate to such relative.

The Court may also, if it think fit (unless a guardian have been appointed by the father), appoint such person as aforesaid, or such relative, or any other relative or friend of the minor, to be guardian of the person of the minor. Court may appoint guardian of minor's person.

7. The Court may call upon the Collector or Magistrate for a report on the character and qualification of any relative or friend of the minor, who may be desirous or willing to be entrusted with the charge of his property or person, and it shall be incumbent on the Collector or Magistrate to furnish such report after making all due inquiry. Court may call for report on character and qualification of relative or friend.

8. If no title to a certificate be established to the satisfaction of the Court by a person claiming under a will or deed or other instrument in writing, and if there be no near relative willing and fit to be entrusted with the charge of the property or person of the minor, and the Court shall think it to be necessary for the interest of the minor that provision should be made by the Court for the charge of his property or person, the Court shall proceed to make such provision in the manner hereinafter provided. When provision made by Court for charge of property.

9. If the estate of the minor consists of moveable property or of houses, gardens or the like, the Court shall grant a certificate to the Public Curator appointed under section 19, Act XIX of 1841[a] (*for the protection of moveable and immoveable property against wrongful possession in cases of successions*), or if there be no Public Curator, to any fit person whom the Court may select for the purpose. When Court may grant certificate to Public Curator or other person.

10. Whenever the Court shall grant a certificate of administration to the estate of a minor as aforesaid, it shall at the same time appoint a guardian to take charge of the person and maintenance of the minor. Appointment of guardian.

The person to whom a certificate of administration has been granted, unless he be the Public Curator, or the legal heir of the minor, or next in succession to the property, may be appointed guardian:

Provided that, in the case of minors who have inherited property by adoption, the natural father may be appointed guardian.

If the person appointed to be guardian be unwilling to discharge the trust gratuitously, the Court may assign him such allowance to be paid out of the estate of the minor, as under the circumstances of the case it may think suitable. Guardian's allowance.

The Court may also fix such allowance as it may think proper for the maintenance of the minor, surviving parent, whether natural or adoptive, husband, wife and children, if any; and such allowance and the allowance of the guardian (if any) shall be paid to the guardian by the Public Curator or other person as aforesaid. Allowance for maintenance of minor, &c.

---

[a] See General Acts, vol. I, p. 40.

When Court may direct Collector to take charge.

11. If the estate of the minor consist in whole or in part of land or any interest in land, the Court may direct the Collector of the district in which the larger part of the same may be situated to take charge of the estate.

Power to take security.

12. The civil Court may take such security as it shall think necessary from any person to whom it may grant a certificate of administration of the property of any minor under this Act:

No security from Collector or Curator.

Provided always, that no such security shall be demanded from the Collector of a district or the Public Curator, when their services may be availed of.

Costs of inquiries.

13. In all inquiries and other proceedings held or had by the civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application such inquiry was made or proceeding had, or out of the estate of the minor, or otherwise, as it may think proper.

Procedure when proprietor of estate under Collector's charge comes of age.

14. Whenever one or more of the proprietors of an estate which has been placed under the Collector's charge shall have passed his or their minority, the Collector shall represent the fact to the civil Court, and the Court, unless it see sufficient reason to the contrary, may direct the Collector to retain charge of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until it shall be otherwise ordered by the Court; or the Court may direct the whole estate to be made over to the management of the proprietor or proprietors who shall have become of age, with such directions as to the share or shares of the still disqualified proprietor or proprietors as to the Court shall seem fit and proper.

Control of proceedings of Collector.

15. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue-authorities.

Public Curator, &c., to furnish inventory and accounts.

16. The Public Curator and every other administrator to whom a certificate shall have been granted under section 10 shall, within six months from the date of the certificate, deliver in Court an inventory of all the immoveable property belonging to the minor, and of all such sums of money, goods, effects and things as he shall have received on account of the estate, together with a statement of all debts due by or to the same.

And the Public Curator and every such other administrator shall furnish annually within three months from the first of May of the Christian era an account of the property in his charge, exhibiting the amounts received, disbursed and invested on account of the estate, and the balance in hand.

Proceeding if accuracy of inventory or account be impugned.

If any relative or friend of a minor, or any public officer by petition to the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon the Curator or administrator, and inquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court for investigation and report.

Investment of surplus-funds.

17. All sums received by the Public Curator or such other administrator on account of any estate, in excess of what may be required for the current expenses of the minor or of the estate, shall by him be invested on account of the estate, from time to time, in the public securities.

Powers of certificate-holder in management of estate.

18. Every person to whom a certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a minor, and may collect and pay all just claims, debts and liabilities due to or by the estate of the minor.

Sale or mortgage to which sanction required.

But no such person shall have power to sell, alienate, mortgage or otherwise incumber any immoveable property, or to grant a lease thereof for any period exceeding five years, without the sanction of the civil Court previously obtained.

Relative or friend may sue for account.

19. It shall be lawful for any relative or friend of a minor at any time during the continuance of the minority to sue for an account from any manager appointed under this Act, or from any person to whom a certificate shall have been granted under the provisions of this Act, or from any such manager or person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Continuance of suit after disqualification has ceased.

20. If the disqualification of a person for whose benefit a suit shall have been instituted under this Act cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Power to revoke certificate and grant fresh one.

21. The civil Court for any sufficient cause may recall any certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a fresh certificate to the Public Curator or any other person as the case may be, and may compel the person whose certificate has been recalled to make over the property in his hands to his successor, and account to such successor for all moneys received and disbursed by him.

Power to remove guardian.

The Court may also for any sufficient cause remove any guardian appointed by the Court.

Penalty for not delivering accounts or property.

22. The civil Court may impose a fine not exceeding five hundred rupees on any person who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time or a time fixed by the Court, and may realize such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to confinement in the civil jail until he shall consent to deliver such accounts or property.

Civil Court may permit resignation of trust, &c.

23. The civil Court may permit any person to whom a certificate shall have been granted under this Act not being the Public Curator, and any guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom on his accounting to his successor duly appointed for all moneys received and disbursed by him and making over the property in his hands.

Remuneration of Public Curator, &c.

24. The Public Curator and every other administrator to whom a certificate shall have been granted under section 10 shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance to be paid out of the minor's estate, as the civil Court shall think fit.

Guardian to provide for minor's education.

25. Every guardian appointed by the civil Court under this Act who shall have charge of any male minor shall be bound to provide for his education in a suitable manner.

Superintendence of education.

The general superintendence and control of the education of all such minors shall be vested in the civil Court.

Civil Court may fix residence and place of education.

26. In the exercise of this superintendence and control, it shall be lawful for the civil Court to direct that such minor shall reside either with or without his guardian at the sadr station of the district, or at any other place within the Presidency of Bombay, and shall attend for the purposes of education such school or college as to the said civil Court may seem expedient, and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

When Court may cause minor to be educated privately.

27. If it shall appear to the civil Court inexpedient to place any such minor at school or college, it shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor properly qualified, either at the family-residence of such minor or at the sadr station, or elsewhere within the Presidency of Bombay, and in that case also the civil Court shall have power to determine, from time to time, the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Charges for education, &c., to be paid out of profits of estate.

28. All charges and expenses which may be incurred on account of any male minor under the provisions of this Act, for college or school-fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the civil Court.

Power to pay marriage-expenses.

29. Every guardian appointed under this Act who shall have charge of an unmarried minor, shall pay all the necessary expenses of the marriage of such minor out of the estate; provided that these expenses shall in no case, without the sanction of the civil Court, involve the minor's estate in debt.

30. For the purposes of this Act every person shall be held to be a minor who has not attained the age of eighteen years. "Minor" defined.

31. Nothing in this Act shall authorize the appointment of a guardian of the person of a female whose husband is not a minor, or the appointment of any person other than a female as the guardian of the person of a female. Appointment of guardian to minor having adult husband, not authorized.

If a guardian of the person of a minor be appointed during the minority of the husband of the minor, the guardianship shall cease as soon as the husband shall attain the age of majority. Guardianship during minority of husband when to cease.

32. Nothing in this Act shall be held to interfere with the provisions of Act XXXV of 1858[a] (*for making better provision for the care of the Estates of Lunatics*). Saving of Act XXXV of 1858.

33. All orders passed by the civil Court under this Act shall be open to appeal to the High Court at Bombay, and shall be subject to all the provisions contained in section 366 of the Code of Civil Procedure. Appeal from orders of civil Court.

34. The expression "civil Court" as used in this Act shall be held to mean the principal Court of original civil jurisdiction in the district, and shall not include the High Court of Judicature, "Civil Court" defined.

and nothing contained in this Act shall be held to affect the powers of the High Court of Judicature over the person or property of any minor subject to its jurisdiction. Saving of powers of High Court.

Unless the contrary appears from the context—

words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and Number.

words importing the masculine gender shall include females. Gender.

ACT No. XXII OF 1865.

Received the Governor General's assent on the 17th of April, 1865.

An Act to amend Act No. XVIII of 1864 (*to provide for the appointment of a Municipal Committee for the City of Lucknow*).[b]

WHEREAS it is expedient to amend Act No. XVIII of 1864 (*to provide for the appointment of a Municipal Committee for the City of Lucknow*); It is enacted as follows:— Preamble.

---

[a] See General Acts, vol. I, p. 190.

[b] Home Department Notification No. 3518, dated the 27th July 1869—Under section 2 of Act XXII of 1865, the Governor General in Council is pleased to extend Act XVIII of 1864 to the under-mentioned towns in the Province of Coorg:—

Mercara,
Várí Rajendrapett;

Act XVIII of 1864, section 21, repealed.

1. Section 21 of the said Act No. XVIII of 1864 is hereby repealed, and the following section shall be read in lieu thereof.

Power of Governor General in Council to extend Act XVIII of 1864.

2. It shall be lawful for the Governor General of India in Council, by order published in the *Gazette of India*, to extend the said Act to any place under the immediate administration of the Government of India;

and when so extended, it shall have effect in such place as if the name of such place were substituted throughout the said Act for the name "Lucknow."

The Governor General of India in Council shall by such order declare[a] how many persons shall be members, and what and how many persons shall be *ex officio* members, of the committee to be constituted in the place to which the said Act shall have been so extended:

Provided that the number of such *ex officio* members shall not be more than one-third of the number of all the members of such committee.

Construction.

3. This Act shall be read and taken as part of the said Act No. XVIII of 1864.

ACT No. III OF 1867.

Received the Governor General's assent on the 25th of January, 1867.

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Panjáb, Oudh, the Central Provinces and British Burma.[b]

Preamble.

WHEREAS it is expedient to make provision for the punishment of public

---

and under section 2 of Act XXII of 1865 aforesaid, the Governor General in Council is pleased to declare that there shall be nine members of the Municipal Committee of each of the above-mentioned towns, and that three of those members shall be *ex officio* members, to wit:—

For Mercara.
The Superintendent of Coorg.
The Officer Commanding Mercara.
Súbahdár of Mahadeopett.

For Várí Rajendrapett.
The Assistant Superintendent.
The Assistant Engineer.
The Súbahdár of the town.

[*Gazette of India*, 1869, Part I, p. 147.]

[a] Department of Revenue, Agriculture and Commerce Notification, No. 10, dated the 10th February 1876.—In modification of so much of the Notification of the Home Department (Public) No. 3518, dated the 27th July, 1869, as fixed the number of the members of the Municipal Committee of the town of Mercara (Mahadeopett) in the Province of Coorg at nine, of which three were to be *ex officio* members, the Governor General in Council is pleased, under section 2 of Act XXII of 1865, to declare that the Municipal Committee of that town shall consist of fifteen members, five of whom shall be *ex officio* members, to wit:—

The Superintendent of Coorg.
The Officer Commanding at Mercara.
The Súbahdár of Mahadeopett.
The Civil Surgeon, Mercara.
The Executive Engineer, Mercara.

[*Gazette of India*, 12th February, 1876, page 82.]

[b] Extended to Coorg under section 5 of the Scheduled Districts Act—*Gazette of India*, 22nd June, 1878, p. 378.

gambling and the keeping of common gaming-houses in the territories respectively subject to the Governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William, of the Lieutenant-Governor of the Panjáb, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma; It is hereby enacted as follows:—

Interpretation-clause.

1. In this Act—

"Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Panjáb, as the case may be: "Lieutenant-Governor."

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces or British Burma, as the case may be: "Chief Commissioner."

"common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever: "common gaming-house."

words in the singular include the plural and *vice versâ*, and Number.

words denoting the masculine gender include females. Gender.

Power to extend Act.

2. Sections 13, 17 and 18 of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time to alter the limits so defined.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

Penalty for owning or keeping, or having charge of, a gaming-house.

3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place, situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be

opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place,

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Penalty for being found in gaming-house.

4. Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding one month;

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize Police to enter and search.

5. If the Magistrate of a district or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house,

he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all monies and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and may search or authorize such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c., in suspected houses, to be evidence that such houses are common gaming-houses.

6. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police-officer, or any of his assistants.

Penalty on persons arrested for giving false names and addresses.

7. If any person found in any common gaming-house entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping gaming-house, instruments of gaming to be destroyed.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all monies seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Magistrate may require any person apprehended to be sworn and give evidence.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorized as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained, shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

13. A Police-officer may apprehend without warrant

any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

Destruction of instruments of gaming found in public streets.

and such Police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

Offences by whom triable.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

Penalty for subsequent offence.

15. Whoever, having been convicted of an offence punishable under section 3, or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Portion of fine may be paid to informer.

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under sections 3 and 4 of this Act, or any part of the monies or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

Recovery and application of fines.

17. All fines imposed under this Act may be recovered in the manner prescribed by section 307 of the Code of Criminal Procedure,[a] and such fines shall (subject to the provisions contained in the last preceding section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

ACT No. XXV OF 1868.

Received the Governor General's assent on the 8th of October, 1868.

An Act to define the jurisdiction of the Courts in Coorg.

Preamble.

WHEREAS it is expedient to define the jurisdiction of the Civil and Criminal Courts in the Province of Coorg; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Coorg Courts Act."

Grades of Courts in Coorg.

2. There shall be six grades of Civil Courts in the Province of Coorg, which shall be in addition to any Courts of Small Causes and to any other Courts established under any Act hereafter passed by the Governor General of India in Council (that is to say)—

(1.)—The Court of the Súbahdár of the second class:

(2.)—The Court of the Súbahdár of the first class:

(3.)—The Court of the Assistant Superintendent of the second class:

(4.)—The Court of the Assistant Superintendent of the first class:

(5.)—The Court of the Superintendent: and

(6.)—The Court of the Judicial Commissioner.

---

[a] See Act No. X of 1872, schedule V.

The Criminal Courts in the said Province shall be those referred to in the Code of Criminal Procedure.

Civil Jurisdiction.

Power to declare grades of Súbahdárs and Assistant Superintendents.

3. Subject to any orders that may from time to time be issued by the Governor General of India in Council, the Commissioner of Coorg shall have power to declare to which of the said grades any Súbahdár and any Assistant Superintendent shall belong.

Power to invest Párbatiyagárs and Náib Súbahdárs with jurisdiction up to rupees fifty.

4. The Commissioner may invest any Párbatiyagár and any Náib Súbahdár with power to try and determine suits for money due whether on bond or other contract or for rent, or for moveable property, or for the value of such property, or for damages when the debt, damage or demand does not exceed in amount or value the sum of rupees fifty, and to prescribe the local limits within which the Párbatiyagár or Náib Súbahdár so invested shall exercise such power.

Jurisdiction of Súbahdár of second class.

5. The Court of the Súbahdár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one hundred in value or amount.

Jurisdiction of Súbahdár of first class.

6. The Court of the Súbahdár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three hundred in value or amount.

Jurisdiction of Assistant Superintendent of second class.

7. The Court of the Assistant Superintendent of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Assistant Superintendent of first class.

8. The Court of the Assistant Superintendent of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure for the time being in force in Coorg) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Superintendent.

9. The Court of the Superintendent shall have power to try and determine suits of every description and of any amount, and to hear and determine

appeals from the original decisions in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Courts of Súbahdárs and Assistant Superintendents of both classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Judicial Commissioner.

10. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions of the Superintendent in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Superintendent, and also special appeals from the decisions passed by the Superintendent or by an Assistant Superintendent of either grade on regular appeal:

Provided that such special appeals shall lie on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other grounds:

Provided also that no special appeal shall lie from any decision or order passed on regular appeal after the passing of this Act, in any suit of the nature cognizable in a Court of Small Causes under Act No. XI of 1865,[a] section 6, when the debt, damage or demand for which the original suit is instituted does not exceed three hundred rupees; but every such order or decision shall be final.

Time for presenting appeals.

11. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure shall be presented in the Court empowered to hear an appeal within the period hereinafter specified, unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Assistant Superintendents or Superintendent, and ninety days if the appeal lie to the Judicial Commissioner.

The said period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Special appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for appeals.

Extraordinary original jurisdiction of Judicial Commissioner.

12. The Court of the Judicial Commissioner shall have power to remove and to try and determine as a Court of extraordinary original jurisdiction, any suit within the jurisdiction of any Court in the said Province when he thinks proper to do so, either on the agreement of the parties to that effect,

[a] See General Acts, vol. II, p. 800.

or for purposes of justice, the reasons for so doing being recorded on the proceedings of his Court.

Judicial Commissioner to superintend and to frame rules of practice for subordinate Courts.

13. The Judicial Commissioner shall have superintendence over all Courts in the said Province, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which he thinks necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the officers, and also settle tables of fees to be allowed to the attorneys, vakíls, and all clerks and officers of such Courts, and from time to time to alter any such rule, form or table.

The rules, forms and tables so made, framed and settled, shall be used and observed in the said Courts: provided that such rules, forms and tables be not inconsistent with the provisions of any law in force for the time being, and shall before they are issued have received the sanction of the Commissioner.

Power to confer powers of Superintendent or his Assistant.

14. Whenever the state of the public business requires it, the Governor General of India in Council may invest any person with the powers of a Superintendent or Assistant Superintendent in any part of the Province of Coorg.

Court in which suit to be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes which may hereafter be established, shall be heard and determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

16. Except when otherwise provided in any law for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Distribution of business among subordinate Courts.

17. The Superintendent may direct the business in the Courts subordinate to him, whether or not they have their sittings in the same place, to be distributed among such Courts in such way as he thinks fit:

Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Local limits within which Appellate Courts to exercise appellate jurisdiction.

18. The Superintendent shall from time to time, with the concurrence and approval of the Commissioner, prescribe to each of the Appellate Courts subordinate to him, such local limits within which they shall respectively exercise their appellate jurisdiction.

Transfer of suits from subordinate Court to that of Superintendent or Assistant.

19. The Superintendent may, on the petition of either party, or in the absence of such petition, withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court, and competent in respect of the value or amount of the suit to try the same.

The Superintendent may also withdraw any appeal instituted in the Court of any Assistant Superintendent subordinate to him, and try the appeal himself or refer it for trial to the Court of any other Assistant Superintendent in his Province.

Transfer of suits from one subordinate Court to another.

20. The Judicial Commissioner may order that the cognizance of any suit or appeal instituted in any Court subordinate to his Court, not being a Court of Small Causes, shall be transferred to his own Court or to any other such subordinate Court competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Criminal Jurisdiction.

Chief executive administration in criminal matters.

21. For purposes of criminal jurisdiction, the Superintendent of Coorg shall be taken to be the chief officer charged with the executive administration of a district in criminal matters.

Power to appoint Session Judge.

22. The Governor General of India in Council may from time to time appoint any subject of Her Majesty to be Session Judge of Coorg, and may also from time to time suspend or remove any person so appointed.

The Session Judge shall, as often as may be necessary for the trial of offenders, hold sessions in the said Province:

Provided that he and the Judicial Commissioner respectively may hear and determine appeals beyond the limits of the same Province.

Appeals from sentences of Superintendent and officers vested with full powers.

23. Appeals from sentences and orders passed by the Superintendent or by any officer subordinate to him exercising full powers of a Magistrate, from which an appeal is allowed under the Code of Criminal Procedure, shall lie to the Judicial Commissioner, and shall be heard and determined by him:

Provided that nothing herein contained shall be deemed to prevent the Judicial Commissioner from exercising under the said Code all or any of the powers of the High Court vested in him.

THE PRISONS ACT, 1870.

ARRANGEMENT OF SECTIONS.

CHAPTER I.—PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
2. [*Repealed.*]
3. Interpretation-clause.

CHAPTER II.—Maintenance and Officers of Prisons.

Sections.

4. Local Government to provide prison-accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of Prisons.
7. Officers of prison.
8. Appointment of officers.
9. Salaries, suspension and dismissal of officers.

CHAPTER III.—Duties of Officers.

Generally.

10. Officers to obey superintendent.
11. Officers not to sell or let to prisoners.
12. Officers not to contract with prisoners; nor to benefit by sales.

Superintendent.

13. Duties of superintendent.

Medical Officer.

14. Power to make rules as to medical officer's duties.
Medical officer to obey rules.
15. To report special cases.
16. To make entries as to death of prisoners.
17. Deputy medical officer.
Subordinate medical officer.

Gaoler.

18. Residence of gaoler.
19. To deliver list of prisoners in punishment-cells.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Deputy gaoler.

Subordinate Officers.

25. Powers of gate-porter.
26. Subordinate officers not to be absent without leave.

CHAPTER IV.—Admission, Removal and Discharge of Prisoners.

27. Prisoners to be searched on entrance.
Medical examination of criminal prisoners.

SECTIONS.

28. Effects of criminal prisoners retained.
29. Medical examination before removal and discharge of prisoners.

CHAPTER V.—DISCIPLINE OF PRISONERS.

30. Requisitions of Act as to separation of prisoners.
31. Rules as to separate confinement.
32. Cells to be furnished with means of communication.
33. Prisoners under sentence of death.

CHAPTER VI.—FOOD, CLOTHING AND BEDDING OF PRISONERS.

34. Civil prisoner may maintain himself.
35. Civil prisoner not to sell provisions.
36. Allowance of clothing and bedding.
Judgment-creditor to defray such allowance.

CHAPTER VII.—EMPLOYMENT OF PRISONERS.

37. Work and earnings of civil prisoners.
38. Examination by medical officer of labouring prisoners.
39. Employment of prisoners sentenced to simple imprisonment.

CHAPTER VIII.—HEALTH OF PRISONERS.

40. Names of sick prisoners to be reported to gaoler.
Gaoler to report them to medical officer.
41. Entry of directions by medical officer.
42. Infirmaries.

CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Visits to prisoners.
Correspondence of prisoners.
44. Power of gaoler as to visitors.

CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

45. Carrying liquor, tobacco or drugs into prison,
suffering liquor, &c., to be sold or used in prison,
carrying letters into and out of prison,
abetment of such offences.
46. Notice of penalties to be placed outside prison.

CHAPTER XI.—PRISON-OFFENCES.

SECTIONS.

47. List of prison-offences.
48. Superintendent's power to punish prison-offenders.
49. Punishment of prisoners by Magistrate.
50. Corporal punishment.
51. Penalty on officers ill-treating prisoners or violating rules.

CHAPTER XII.—MISCELLANEOUS.

52. Confinement in irons of prisoners sentenced to rigorous imprisonment.
53. Confinement in irons by gaoler of his own authority.
54. Power to make supplementary prison-rules.
55. Present rules.
56. Exercise of powers of superintendent.

ACT No. XXVI OF 1870.

Received the Governor General's assent on the 3rd of October, 1870.

An Act to amend the law relating to prisons.[a]

Preamble. WHEREAS it is expedient to amend the law relating to prisons in the North Western Provinces, the Panjáb, Oudh, the Central Provinces, Coorg[b] and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

Short title. 1. This Act may be called "The Prisons' Act, 1870:"

Local extent. It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, Coorg[c] and British Burma.

2.—[*Repealed by Act No. XII of 1873.*]

Interpretation-clause. 3. In this Act—

"prison;" "prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner;" "criminal prisoner" means any prisoner charged with or convicted of a crime;

---

[a] Extended to Coorg by Act No. II of 1871, *infra*. [b, c] See same Act.

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail. "civil prisoner."

CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison-accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces, Coorg[a] and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.[b]

Officers of prison.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

Appointment of officers.

8. The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

---

[a] See Act No. II of 1871, *infra*.

[b] See Act No. XIV of 1878, section 2.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.—Duties of Officers.

Generally.

Officers to obey superintendent.

10. All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners;

nor to benefit by sales

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of superintendent.

13. Subject to the orders of the Inspector General of Prisons, the superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section 54 for the guidance of the superintendent.

The superintendent shall also obey all orders respecting the prison given by the Magistrate of the District or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

Power to make rules as to medical officer's duties.

14. The Local Government shall make rules as to each of the following matters:—

how often the medical officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners:

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation:

reports on the provisions, water, clothing and bedding supplied to the prisoners.

Medical officer to obey rules.

The medical officer shall obey such rules.

To report special cases.

15. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper.

To make entries as to death of prisoners.

16. On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely,—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

Deputy medical officer.

17. Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer.

Subordinate medical officer.

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler.

Residence of gaoler.

18. The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners in punishment-cells.

19. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

20. Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent.

To keep enumerated books and accounts.

21. The gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under section 54.

Responsible for safe custody of documents.

22. The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

23. The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent; but, if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent.

Deputy gaoler.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

Where there is no deputy gaoler, or where his services are not available by reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the sub-

stitute so appointed shall have all the powers and perform all the duties of the gaoler.

Subordinate Officers.

Powers of gate-porter.

25. The officer acting as gate-porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office.

CHAPTER IV.—Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

Medical examination before removal and discharge of prisoners.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CHAPTER V.—Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows:—

(1.)—In a prison containing female prisoners as well as males, the women

shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.)—In a prison where children under twelve years of age are confined means shall be provided for separating them altogether from the other prisoners.

(3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.)—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.—Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner not to sell provisions.

35. No part of any food, clothing, bedding or other necessaries belonging to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper.

Allowance of clothing and bedding.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the superintendent with such clothing and bedding as may be necessary.

Judgment-

When any such prisoner has been committed to prison in execution of a

decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

creditor to defray such allowance.

CHAPTER VII.—Employment of Prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions.

Work and earnings of civil prisoners.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

Examination by medical officer of labouring prisoners.

But if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

39. Provision shall be made by the superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

Employment of prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.—Health of Prisoners.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler.

Names of sick prisoners to be reported to gaoler.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

Gaoler to report them to medical officer.

and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by medical officer.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry.

Infirmaries.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.—Visits to and Correspondence of Prisoners.

Visits to prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

Correspondence of prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Power of gaoler as to visitors.

44. The gaoler may demand the name and address of any visitor to a prisoner; and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.—Offences in Relation to Prisons.

Carrying liquor, tobacco or drugs into prison,

45. Whoever, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, &c., to be sold or used in prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations into or out of any such prison or place, carrying letters into and out of prison,

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section, abetment of such offences.

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45. Notice of penalties to be placed outside prison.

CHAPTER XI.—Prison-offences.

47. The following acts are declared to be offences against prison-discipline:— List of prison-offences.

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting irons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison-property;

(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences— Superintendent's power to punish prison-offenders.

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a

statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

51. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.—Miscellaneous.

Confinement in irons of prisoners sen-

52. Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe

custody of any prisoners that they should be confined in irons, the superintendent may so confine them. tenced to rigorous imprisonment.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, and notice thereof shall be forthwith given to the superintendent. Confinement in irons by gaoler of his own authority.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his warrant.

54. The Local Government may, from time to time, make rules consistent with this Act— Power to make supplementary prison-rules.

(1) for the government of prisons and for the guidance of all officers appointed hereunder :

as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners :

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts :

(5) for remission of sentences :

(6) for rewards for good conduct ; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively. Present rules.

56. All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf. Exercise of powers of superintendent.

ACT No. II of 1871.

Received the Governor General's assent on the 13th of January, 1871.

An Act to extend the Prisons' Act, 1870, to Coorg.

For the purpose of extending the Prisons' Act, 1870, to Coorg ; It is hereby enacted as follows :— Preamble.

1. The said Act shall extend to the territories under the administration of Extension to

Coorg of Act XXVI of 1870.

the Chief Commissioner of Coorg, but subject to the following modifications (that is to say) :—

(*a.*) The preamble and sections 1 and 6 shall be construed as if, after the words " Central Provinces," the word " Coorg " were inserted.

(*b.*)—[*Repealed by Act No. XVI of 1874.*]

THE EXCISE ACT, 1871.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
2. [*Repealed.*]
3. Interpretation-clause.
4. Saving of Act No. XVI of 1863.

II.—MANUFACTURE OF SPIRITS AND FERMENTED LIQUOR.

5. English distilleries not to be constructed or worked without license.
6. Chief Revenue-authority to prescribe rules for regulating English distilleries.
7. Collectors may establish distilleries for country-spirits.
8. Chief Revenue-authority may prescribe rules for distilleries.
9. Breweries not to be constructed or worked without license.
10. Sanction to rules under sections 6, 8 and 9.
11. Prohibition of unlicensed manufacture of country-spirits.

III.—SALE OF SPIRITS, FERMENTED LIQUOR AND INTOXICATING DRUGS.

12. English spirits and fermented liquor not to be sold without license.
13. Fee for wholesale-license.
14. Fee for retail-license.
    What to be held a retail-sale.
15. Country-spirits and drugs not to be sold without license.
16. Tárí to be deemed fermented liquor.
17. Proviso.
18. [*Repealed.*]
19. Sale of more than specified quantities of country-spirits, &c., prohibited.
20. Restriction of sale of gánja and bháng.

IV.—DUTIES.

21. Rate of duty to be levied on English spirits.

SECTIONS.

22. Spirits from foreign territory subject to duty.
23. Duty on country-spirits manufactured under section 7.
24. Duty on retail-sale of country-spirits, &c.

V.—FARM OF DUTIES.

25. Power to farm out duties.
26. Tenders for farm.
27. Farmer may make arrangements with local manufacturers and vendors.
28. List of licenses granted by farmer to be filed.
Restrictions as to grant of licenses.
29. Lease may be cancelled.
Compensation to farmers in certain cases.
30. Recovery of arrears of tax or duty by farmers.

VI.—LICENSES.

31. Certain licensees to execute counterpart and furnish security.
32. Duration and renewal of license.
33. Regulation of form of license.
34. Power to recall license.
35. Surrender of license.

VII.—POWERS OF OFFICERS.

36. Collectors of land-revenue to have charge of excise.
37. Power to appoint Commissioners of excise.
38. Collectors may appoint excise-officers.
39. Tahsíldárs may be excise-dároghas.
40. Power to regulate supply of tárí and intoxicating drugs to licensed vendors.
41. Recovery of arrears of tax or duty.
42. Power of excise-officers to inspect shops.
43. And to arrest persons carrying spirits, &c., liable to confiscation.
44. And to arrest unlicensed distilleries, &c.
And to seize stills.
45. And to search on information of illicit manufacture or possession.
46. Police, customs and revenue-officers may exercise powers of excise-officers.
47. Excise-officer to report arrests, &c, and to take person arrested to Magistrate.
48. Collector may issue warrant of arrest in certain cases.
49. Collector may issue search-warrant.
Special warrant authorizing search between sunset and sunrise.
50. Procedure after arrest or seizure.
51. Police to assist excise-officers.

VIII.—PENALTIES.

52. For constructing or working distillery without license.
53. For non-observance of rules prescribed by Chief Revenue-authority.
54. For removing spirituous liquors without payment of duty.

SECTIONS.

55. For irregular re-land of spirituous liquors.
56. For working brewery without license.
57. For refusing to produce license.
For breach of license.
58. For sale in contravention of license.
Proviso.
59. For permitting drunkenness, &c., in shop.
60. For conveying country-spirits from distillery without pass, &c.
61 For contravening rules prescribed by Chief Revenue-authority.
62. For illicit manufacture or sale of country-spirits, &c.
Proviso.
63. For illegal possession of country-spirits, &c.
Proviso.
64. Exceptions as to tárí, gánja and bháng.
65. }
66. } [*Repealed.*]
67. }
68. For conniving at illicit manufacture or sale of spirits, &c.
69. On Police neglecting to assist.
70. For maliciously giving false information.
71. For vexatious search or seizure.
72. On excise-officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate.
73. For conniving at escape of persons arrested, &c.
74. Adjudication of penalties and seizures.
75. Procedure in cases other than those of persons sent in custody by Collector or excise-officer.
76. Punishment on second or subsequent conviction.
77. Confinement in civil jail.
78. Disposal of confiscated goods.
79. Disposal of fines, &c., as rewards.
Rewards where no fine is realized.
80. Fines undisposed of to belong to Government.
Special rewards to informers.

IX.—MILITARY CANTONMENTS.

81. Manufacture and sale of spirits, &c., in cantonments.
82. Arrest or search within cantonments.

X.—MISCELLANEOUS.

83. Drawback on exportation.
84. Drawback when not allowed.
85. Recovery of sums due under bond.
86. Appeals from orders and sentences under Act.

ACT No. X of 1871.

Received the Governor General's assent on the 24th of March, 1871.

An Act to consolidate and amend the laws relating to the Excise-revenue in Northern India, British Burma and Coorg.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws in force in Northern India, British Burma and Coorg relating to the manufacture of spirits, the sale of spirituous and fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Excise Act, 1871:"

Local extent.

It extends to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma and Coorg.

2.—[*Repealed by Act No. XII of 1873.*]

Interpretation-clause.

3. In this Act,

"Chief Revenue-authority:"

"Chief Revenue-authority" means,—

in the territories subject to the Lieutenant-Governor of the North-Western Provinces—the Board of Revenue,

in the Panjáb and Oudh—the Financial Commissioner, and

in the Central Provinces, British Burma and Coorg—the Chief Commissioner:

"Collector:"

"Collector" includes any Revenue-officer in independent charge of a district and a Superintendent of excise-revenue:

"Magistrate:"

"Magistrate" means any Magistrate exercising powers not less than those of a Subordinate Magistrate of the first class:

"country-spirit:"

"country-spirit" means any spirit made by the Native process of distillation:

"intoxicating drugs."

"intoxicating drugs" includes gánja, bhán̄g, charas and every preparation and admixture of the same.

Saving of Act No. XVI of 1863.

4. Nothing herein contained affects Act No. XVI of 1863 [a] (*to make special provision for the levy of the Excise-duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*).

---

[a] See General Acts, vol. I, p. 630.

II.—Manufacture of Spirits and Fermented Liquor.

English distilleries not to be constructed or worked without license.

5. No person shall construct or work a distillery after the manner in which distilleries are constructed and worked in England, without a license under the hand of the Collector of the district in which such distillery is situated.

Chief Revenue-authority to prescribe rules for regulating English distilleries.

6. The Chief Revenue-authority may from time to time make rules relative to—

(*a*) the granting of licenses under section 5;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

(*c*) the size and description of the stills;

(*d*) the passing and storing of the spirits;

(*e*) the inspection and examination of the distillery and warehouses, and of the spirits manufactured and stored therein;

(*f*) the furnishing of statements and lists of such spirits, and of the stills, coppers, casks and other utensils used in the distillery.

Collectors may establish distilleries for country-spirits.

7. The Collector, with the sanction of the Chief Revenue-authority, may—

(*a*) establish, at any place within his jurisdiction, a distillery in which spirits may be manufactured after the Native process,

(*b*) from time to time fix limits within which no country-spirits, except such as are manufactured at the said distillery, shall be introduced or sold without a special pass from the Collector, and within which no stills shall be constructed or worked, or spirits manufactured, except at the said distillery, and

(*c*) discontinue any distillery so established.

Chief Revenue-authority may prescribe rules for distilleries.

8. The Chief Revenue-authority may from time to time make rules relative to—

(*a*) the management of distilleries established under section 7,

(*b*) the conditions on which spirits may be manufactured in the said distilleries, and

(*c*) the passes to be issued for the conveyance of such spirits to the shops of the vendors.

Breweries not to be constructed or worked without license.

9. No person shall construct or work a brewery, or manufacture any description of malt-liquor, without a license from the Collector.

The Chief Revenue-authority may from time to time make rules relative to the granting of licenses for constructing and working breweries.

Sanction to rules under sections 6, 8 and 9.

10. Except in the Central Provinces, British Burma and Coorg, the sanction of the Local Government is required to validate rules under sections 6, 8 and 9.

11. No person shall manufacture spirits after the Native process except under license from the Collector. Prohibition of unlicensed manufacture of country-spirits.

III.—Sale of Spirits, Fermented Liquor and Intoxicating Drugs.

12. Spirituous liquors passed from distilleries worked according to the English method, fermented liquors manufactured at a licensed brewery, and spirituous and fermented liquors imported either by land or by sea, shall not be sold except under license from the Collector. English spirits and fermented liquor not to be sold without license.

13. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors as aforesaid shall pay, for every such license, such sum as the Chief Revenue-authority from time to time prescribes. Fee for wholesale-license.

The license shall be current only during the official year, and in the district in which it is granted.

But travelling merchants may obtain, under such rules and restrictions as the Chief Revenue-authority from time to time prescribes, a general license authorizing them to sell by wholesale, in any district which they may visit in the course of their travel, without taking out a fresh license for that district.

14. Persons taking out licenses for the retail-sale of spirituous and fermented liquors as aforesaid shall pay for every such license such fee or tax as the Chief Revenue-authority fixes, and such fee or tax shall be payable at such periods as the said Authority directs. Fee for retail-license.

Any sale of spirituous or fermented liquors as aforesaid, in less quantity than two imperial gallons or one dozen of quart bottles, shall be held to be a retail-sale. What to be held a retail-sale.

15. No person shall sell spirits manufactured by the Native process, or tárí, or pachwái, or any intoxicating drug, except under license from the Collector. Country-spirits and drugs not to be sold without license.

16. All the provisions relating to the sale or possession of fermented liquors contained in the following sections apply to the sale or possession of tárí, whether in a fermented state or otherwise; and all tárí, both fresh and fermented, is included in the expression "fermented liquors" as used in the following sections. Tárí to be deemed fermented liquor.

17. Provided that the Local Government may suspend the operation of all the provisions relating to tárí contained in this Act, with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in such district, notwithstanding anything contained in this Act. Proviso.

18.—[*Repealed by Act No. I of 1878.*]

Sale of more than specified quantities of country-spirits, &c., prohibited.

19. Except for the supply of licensed vendors, or under a special order from such officer as the Local Government appoints in this behalf, country-spirits, tárí and pachwáí, and intoxicating drugs shall not be sold in larger quantities than are hereunder specified—

country-spirits, one ser;

tárí or pachwáí, four sers;

gánja or bháng, or any preparation or admixture thereof, one quarter of a ser;

charas, or any preparation or admixture thereof, five tolas weight;

and the sale of any such quantity as is herein allowed shall be deemed to be a retail-sale within the meaning of this Act.

Restriction of sale of gánja and bháng.

20. No cultivator of the plants producing gánja or bháng shall sell any gánja or bháng to any one other than (*a*) a person licensed under section 15 to sell the same, or (*b*) a person duly authorized to purchase the same by pass or license from the Collector.

IV.—Duties.

Rate of duty to be levied on English spirits.

21. A duty shall be levied on spirits manufactured at distilleries worked according to the English method, at the rate of three rupees the imperial gallon of the strength of London-proof, to be augmented or reduced in proportion to the strength of the spirit.

No spirit shall be removed from any such distillery or the warehouses connected therewith, upon which the aforesaid duty has not been paid, or for the duty chargeable on which a bond has not been executed as hereinafter provided.

For all spirits removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify—

(*a*) the quantity and strength of the spirit,

(*b*) the place of its destination,

(*c*) the person to whom it is consigned, and

(*d*) whether the duty has been paid or secured by bond.

Nothing in the former part of this section applies to British Burma.

Spirits from foreign territory subject to duty.

22. Spirituous liquors manufactured at any place in India beyond the limits of British India, shall, on passing such limits subject to this Act, be charged with the duty prescribed for proof-spirits in section 21:

and any person found in possession of any such liquors, without a pass from the Collector certifying the payment of such duty, shall forfeit for every such offence a sum not exceeding two hundred rupees; and the liquors,

together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

Duty on country-spirits manufactured under section 7.

23. A duty shall be levied on spirits manufactured in distilleries established under section 7 at such rate as the Chief Revenue-authority, with the sanction of the Local Government, may from time to time prescribe.

Duty on retail-sale of country-spirits, &c.

24. Whenever a license for the retail-sale of country-spirits, tárí, pachwái or intoxicating drugs is granted under this Act, the Collector may demand, in consideration of the privilege granted, such tax or duty, or a tax or duty adjusted on such principles, as may from time to time be fixed by the Chief Revenue-authority.

Such tax or duty shall be specified in the license, and shall be payable at such periods as the said Authority may direct.

The Collector may grant special licenses for the sale of unfermented tárí only, at those periods of the year when the fresh juice is in request: fees may be demanded for such special licenses at a rate for each license to be fixed from time to time by the Chief Revenue-authority; and the vendors shall not be subject to any other tax or duty in respect of such sale.

V.—Farm of Duties.

Power to farm out duties.

25. The Collector may, with the sanction of the Chief Revenue-authority, let in farm, for any period not exceeding five years, the duties leviable on the retail-sale of spirituous or fermented liquors, or intoxicating drugs, or any description of such liquors or drugs in any district or division of a district.

Tenders for farm.

26. The Chief Revenue-authority may prescribe rules—

(*a*) for the invitation and acceptance of tenders for such farms,

(*b*) for the requisition of security for the due fulfilment of the engagements entered into by the farmers, and

(*c*) as to the form and conditions of the lease.

Any breach of such conditions shall render the lease liable to annulment.

Farmer may make arrangements with local manufacturers and vendors.

27. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm;

and all the fines and forfeitures hereinafter prescribed, for the unlawful manufacture, sale or possession of any such article, shall be incurred by all persons manufacturing, selling or possessing the same without license or authority from the farmer.

List of licenses granted by farmer to be filed.

28. Every such farmer shall file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Chief Revenue-authority.

Restrictions as to grant of licenses.

The Collector, with the sanction of the said Chief Revenue-authority, may, before entering into engagements for any such farm, make such reservations or restrictions with respect to the grant of licenses as he thinks fit.

Lease may be cancelled.

29. The Collector may, with the sanction of the Chief Revenue-authority, cancel any lease granted under this Act; or may, within the period of the lease, impose any new restriction on the farmer.

Compensation to farmers in certain cases.

If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Chief Revenue-authority thinks fit.

Recovery of arrears of tax or duty by farmers

30. Every farmer of excise-revenue may use the same means and processes for the recovery of any arrear of tax or duty due to him from any authorized vendor, as may be lawfully used by zamíndárs and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

VI.—Licenses.

Certain licensees to execute counterpart and furnish security.

31. Every person taking out a license for the manufacture of country-spirits or for the retail-sale of spirituous or fermented liquors, or intoxicating drugs, shall execute a counterpart-engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement or make such deposit in lieu of security, as the Collector may require.

Durations and renewal of license.

32. Unless otherwise especially authorized by the Chief Revenue-authority, licenses for retail-sale shall be granted for the term of one year, and if continued to the holders thereof, shall be formally renewed from year to year.

But every person holding a license, who may intend not to renew it, shall give notice of his intention to the Collector at least fifteen days before the year expires.

If such notice be not given, and the license be not recalled by the Collector, the license held, and engagement entered into, by every such person, shall remain in force as if the said license and engagement had been formally renewed.

Regulation of form of license.

33. The Chief Revenue-authority may regulate the form and conditions of all licenses granted under this Act.

Power to recall license.

34. The Collector may recall or cancel any license granted under this Act, if the tax or duty therein specified be not duly paid, or, in case of a violation of any other condition thereof, or of the holder being convicted of a breach of the peace or any other criminal offence.

If the Collector desire to recall a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the tax for fifteen days, or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Chief Revenue-authority directs.

Surrender of license.

35. Any licensed retail-vendor may surrender his license on giving one month's previous notice to the Collector, and paying such fine not exceeding the amount of the license-fees for six months as the Collector may adjudge.

If the Collector is satisfied that there is a sufficient reason for resigning a license, he may remit the fine so prescribed.

VII.—Powers of Officers.

Collectors of land-revenue to have charge of excise.

36. The collection of the revenue arising from the manufacture of spirits, and the sale of spirits and spirituous and fermented liquors and intoxicating drugs, shall be ordinarily under the charge of the Collectors of land-revenue, who shall perform the duties connected therewith under the control and direction of the Commissioners of revenue, and of the Chief Revenue-authority.

But the Local Government may appoint any other person to be superintendent of excise-revenue in any district or place, and any person so appointed shall exercise, in such district or place, all the powers and authority conferred by this Act on the Collector of land-revenue; and the Collector of land-revenue shall cease to exercise such powers and authority in such district or place during the continuance of such appointment.

Power to appoint Commissioners of excise.

37. The Local Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the excise-revenue in any district or districts; and when such appointment is made the Commissioner of excise shall exercise within such district or districts the powers and authority conferred by this Act on Commissioners of revenue, and the Commissioners of revenue shall cease to exercise such powers and authority in the said district or districts during the continuance of such appointment.

Collectors may appoint excise-officers.

38. Collectors may appoint dároghas, jamadárs, peons, surveyors, gaugers and other officers, for the collection of the excise-revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled excise-officers.

Tahsíldárs may be excise-dároghas.

39. In districts where there are tahsíldárs and other local officers for the collection of the land-revenue, the office of excise-dárogha may be united with that of tahsíldár or any of such local officers, and the said officers, together with the officers subordinate to them, shall be deemed to be excise-officers within the meaning of this Act.

Power to regulate supply of tárí and intoxicating drugs to licensed vendors.

40. The Chief Revenue-authority may regulate the mode in which tárí shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting or storing gánja, bháng or charas for the supply of the licensed vendors of those drugs.

Such Authority may also place the cultivation, preparation and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon.

Recovery of arrears of tax or duty.

41. The Collector may recover any arrear of tax or duty due on account of any license granted under this Act,

or any arrear due from any farmer of excise-revenue,

by distress and sale of the moveable property of the person from whom the arrear is due or of his surety, or by any other process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties.

Power of excise-officers to inspect shops.

42. Any excise-officer may enter and inspect at any time by day or by night the shop or premises in which any licensed manufacturer or retail-vendor carries on the manufacture of country-spirits, or the sale of spirituous or fermented liquors or intoxicating drugs.

And to arrest persons carrying spirits, &c., liable to confiscation.

43. Any excise-officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act;

and may seize the liquors or drugs, with the vessels, packages or coverings in which they are contained, and the animals and conveyances used in carrying them;

and may also arrest the person in whose possession such liquors or drugs are found.

And to arrest unlicensed distillers, &c.

44. Any excise-officer above the rank of a jamadár of peons may arrest any person having in his possession an unlicensed still, or any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act, or engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs,

And to seize stills.

and may seize such still with the materials for working it, and all such liquors and drugs.

And to search on information of illicit manufacture or possession.

45. Whenever any excise-officer above the rank of a jamadár of peons has reason to believe, from information given by any person (which information shall be taken down in writing),

that spirits are unlawfully manufactured,

or that any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act are kept or concealed in any house, boat or other place,

such officer may, between sunrise and sunset (but always in the presence of an officer of Police not being under the grade of a jamadár), enter into any such house, boat or place;

and in case of resistance may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all stills and materials used in the manufacture of such spirits and all such liquors and drugs;

and may also arrest the occupier of the house, boat or place, with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

Police, customs and revenue-officers may exercise powers of excise-officers.

46. The powers of seizure, search and arrest, given to excise-officers by the three last preceding sections, may, in regard to the seizure and search for contraband opium and the arrest of persons found in possession thereof, be exercised also by the officers of the Police, Customs and Revenue Departments, according to their respective grades;

and the Local Government may confer on the officers of those departments, or of any of them, like powers with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession thereof.

All such officers when so empowered shall be deemed to be excise-officers within the meaning of this Act.[a]

Excise-officer to report arrests, &c.,

47. Whenever an excise-officer arrests any person,

or seizes any still, or any liquors or drugs liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such illicit article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest or seizure, or search, to his official superior, and, unless acting under the warrant of the Collector, shall carry the person arrested, or the illicit article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

Collector may issue warrant of arrest in certain cases.

48. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under this Act.

Collector may issue search-warrant.

49. The Collector may issue his warrant for the search of any house, boat or place in which, upon any of the grounds mentioned in the last preceding

[a] Repealed, so far as it relates to opium, by Act No. I of 1878.

section, he has reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act are kept or concealed.

Such warrant may be executed by any officer above the rank of a jamadár of peons, at the time and in the manner prescribed in section 45.

Special warrant authorizing search between sunset and sunrise.

Whenever the Collector thinks that the search should be made between sunset and sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any officer above the rank of a jamadár of peons, in the manner prescribed in section 45, and shall cease to be in force at sunrise on the day next following.

Procedure after arrest or seizure.

50. Whenever any person is arrested, or any articles are seized, under the warrant of a Collector, the Collector, after such inquiry as he thinks necessary, shall send the person arrested or the articles seized to the Magistrate, or shall order the immediate discharge of such person or the release of such articles.

Police to assist excise-officers.

51. All Police-officers are required to aid the excise-officers in the due execution of this Act, upon notice given or request made by such officers.

VIII.—Penalties.

For constructing or working distillery without license.

52. Whoever constructs or works a distillery after the English method, without a license from the Collector, shall for every such offence be punished with fine not exceeding one thousand rupees;

and all spirits manufactured at any such distillery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For non-observance of rules prescribed by Chief Revenue-authority,

53. Every proprietor or manager of a licensed distillery constructed and worked after the English method, who omits to furnish any notice or any statement or list required by the rules prescribed by the Chief Revenue-authority under section 6, or wilfully does anything in contravention of the said rules, shall for every such offence be punished with fine not exceeding two hundred rupees;

and if any such offence be committed a second time with respect to the same distillery, the Collector may withdraw the license granted for the working of such distillery.

For removing spirituous liquors without payment of duty.

54. Whoever removes or attempts to remove, from any licensed distillery constructed and worked after the English method, any spirituous liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any spirituous liquors for which the Collector has not issued a pass, shall for every such offence be punished with fineu ot exceeding one thousand rupees;

and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.

If it appear to the Collector that the offence was committed with the consent or knowledge of the proprietor or manager, the Collector may withdraw the license granted for the construction and working of the distillery from which such liquors have been removed or attempted to be removed.

For irregular re-land of spirituous liquors.

55. Whoever re-lands, or attempts to re-land, any spirituous liquors shipped for exportation, without a special pass from the Collector of revenue at the place of exportation, shall for every such offence be punished with fine not exceeding five hundred rupees;

and the liquors, together with the casks and vessels containing the same, and the carts, boats and animals employed in carrying them, shall be liable to confiscation.

For working brewery without license.

56. Whoever constructs or works a brewery, or manufactures malt-liquor, without a license, shall for every such offence be punished with fine not exceeding five hundred rupees.

For refusing to produce license.

For breach of license.

57. Every person licensed to manufacture country-spirits or to sell spirituous or fermented liquors or intoxicating drugs, who fails to produce his license on the demand of any excise-officer, or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act, shall for every such offence be punished with fine not exceeding fifty rupees.

For sale in contravention of license.

58. Every licensed retail-vendor, who sells any larger quantity of spirituous or fermented liquors, or intoxicating drugs, than is allowed to be sold by retail by this Act, and every licensed wholesale-vendor who makes a retail-sale, shall for every such offence be punished with fine not exceeding two hundred rupees:

Proviso.

Provided that nothing in this section shall be held to prohibit the grant to the same person of both wholesale and retail-licenses, subject to the provisions of this Act.

For permitting drunkenness, &c., in shop.

59. Every person licensed to sell spirituous or fermented liquors, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for liquors or drugs, shall for every such offence be punished with fine not exceeding two hundred rupees.

For conveying country-spirits from distillery without pass, &c.

60. Whoever conveys or attempts to convey any country-spirits from a distillery established under section 7 without a pass, or exceeding the quantity for which a pass has been granted,

or introduces or attempts to introduce any country-spirits manufactured at another place into the limits fixed for the consumption of spirits manufactured at such distillery, without a special pass from the Collector,

shall for every such offence be punished with fine not exceeding five hundred rupees.

For contravening rules prescribed by Chief Revenue-authority.

61. Whoever wilfully contravenes any rule prescribed by the Chief Revenue-authority for the management of a distillery established as aforesaid, otherwise than as provided for in the last preceding section, shall for every such offence be punished with fine not exceeding fifty rupees.

For illicit manufacture or sale of country-spirits, &c.

62. Every person other than a licensed manufacturer who manufactures any country-spirits,

and every person other than a licensed vendor, or a person duly authorized to supply licensed vendors, who sells any spirituous or fermented liquors, or intoxicating drugs,

and every person authorized to supply licensed vendors, who sells any such liquors or drugs to any person other than a licensed vendor,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Proviso.

Nothing in this section or in section 12 applies to the sale by auction of any spirituous liquors, wines or beer purchased by any person for his private use and so disposed of upon his quitting a station or after his decease.

For illegal possession of country-spirits, &c.

63. Every person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, who has in his possession any larger quantity of country-spirits, or tárí or pachwáí, or intoxicating drugs, than may legally be sold by retail under the provisions of section 19,

or transports by land or by water, or has in his possession, any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors, in larger quantity than two gallons, without a pass from the Collector or other officer duly empowered in that behalf,

shall for every such offence be punished with fine not exceeding two hundred rupees;

and the liquors and drugs, together with the vessels, packages and coverings in which they are found, and the animals and conveyances used in carrying them, shall be liable to confiscation:

Proviso.

Provided, that nothing in this section extends to any spirituous liquors, wines or beer, purchased by any person for his private use and not for sale.

Exceptions as to tárí, ganja and bhang.

64. The provisions of the two last preceding sections, so far as they relate to the sale and possession of fermented liquors, do not apply to

the sale and possession of tárí the produce of the date-tree, when supplied or used for the manufacture of gúr or molasses; and the provisions of the said sections relating to the sale and possession of intoxicating drugs do not apply to the sale and possession of gánja or bháng by the cultivators of the plants which produce those drugs respectively.

Every such cultivator selling gánja or bháng in breach of the prohibition contained in section 20, shall for every such offence be punished with fine not exceeding five hundred rupees.

65, 66, 67.—[*Repealed by Act No. I of 1878.*]

68. Every proprietor, farmer, tahsíldár, gumáshta or other manager of land, who authorizes or connives at the manufacture of country-spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, shall for every such offence be punished with fine not exceeding five hundred rupees. For conniving at illicit manufacture or sale of spirits, &c.

69. Any Police-officer who, without lawful excuse, neglects or refuses to assist as aforesaid, and any dárogha or other officer in charge of a Police-station, who, on application made by an excise-officer under section 45, fails to attend a search himself, or to depute a subordinate officer not being below the grade of a jamadár, shall for every such offence be punished with fine not exceeding five hundred rupees. On Police neglecting to assist.

70. Whoever maliciously gives false information against any person as being engaged in the unlawful manufacture of spirits, or as selling or having in his possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procures that such person be arrested or that any house, boat or other place be searched, to the injury or annoyance of such person, or any other person whatsoever, shall for every such offence be punished with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both. For maliciously giving false information.

Such fine or any part thereof may be paid to the person aggrieved.

71. Any excise-officer who, without reasonable ground of suspicion, searches or causes to be searched any house, boat or other place, For vexatious search or seizure.

or vexatiously and unnecessarily seizes the moveable property of any person, on the pretence of seizing or searching for any spirituous liquors or intoxicating drugs liable to confiscation under this Act,

or vexatiously and unnecessarily arrests any person,

or commits any other excess not required for the execution of his duty,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Such fine or any part thereof may be paid to the person aggrieved.

72. Any excise-officer who neglects to report the particulars of an arrest, On excise-

officers for delay in reporting arrest, &c., or in carrying person arrested to Magistrate.

seizure or search within twenty-four hours thereafter, or delays carrying to the Magistrate or Collector, as the case may be, any person arrested, or any illicit articles seized, under this Act, shall for every such offence be punished with fine not exceeding two hundred rupees.

For conniving at escape of persons arrested, &c.

73. Any excise-officer unlawfully releasing or conniving at the escape of any person arrested under this Act, or conniving at the manufacture of spirits or the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by any licensed person contrary to the terms of the license, or acting in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the excise-revenue defrauded;

and any officer invested with local jurisdiction, authorizing or conniving at the establishment of any unlicensed shop for the sale of such liquors or drugs as aforesaid in any place subject to his control,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Adjudication of penalties and seizures.

74. All fines leviable for offences against this Act, and all seizures of goods liable to confiscation under this Act, shall be adjudged by the Magistrate on the information of the Collector or any excise-officer:

Provided that no such information shall be necessary in any case of complaint preferred to a Magistrate under section 59, 69, 70, 71, 72 or 73.

Procedure in cases other than those of persons sent in custody by Collector or excise-officer.

75. In all cases in which complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or excise-officer, the Magistrate shall issue a summons requiring the attendance of the person accused.

The rules contained in the Code of Criminal Procedure, for the trial of cases before a Magistrate and for appeal against orders passed by a Magistrate, shall apply to trials under this Act:

Provided that no complaint or information of an offence against this Act shall be admitted, unless it be preferred within six months after the commission of the offence to which the complaint or information refers.

Punishment on second or subsequent conviction.

76. Whenever any person is convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty provided for such offence, to imprisonment for a term not exceeding six months.

A like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Confinement in civil jail.

77. Every person imprisoned for an offence under section 59, 69, 70, 71,

72 or 73 shall be confined in the criminal jail, and every person imprisoned for an offence under any other section shall be confined in the civil jail.

Disposal of confiscated goods.

78. All things confiscated under this Act, shall be disposed of by the Collector by public sale.

Disposal of fines, &c, as rewards.

79. One-half of all fines levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs, and one-half of the proceeds from sale of all confiscated articles shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender.

The other half of such fines and forfeitures, and the other half of the proceeds of sale, shall be given to the informer.

Rewards where no fine is realized.

If in any case the fine or forfeiture is not realized, the Chief Revenue-authority may grant such reasonable reward, not exceeding two hundred rupees, as may seem fit; and such Authority may direct by general order what classes of excise-officers shall receive rewards, and what classes shall have no title to share therein.

Fines undisposed of to belong to Government.

80. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government.

Special rewards to informers.

But the Chief Revenue-authority may appropriate any portion thereof, not exceeding one-half, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

IX.—Military Cantonments.

Manufacture and sale of spirits, &c., in cantonments.

81. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirits, or for the sale of spirituous and fermented liquors, shall be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, unless with the knowledge and consent of the commanding officer;

and upon his requisition any license which has been granted, either by the Collector or by a farmer, within such distance or limits, shall be immediately withdrawn.

Arrest or search within cantonments.

82. In all other respects, the foregoing provisions of this Act shall have effect within such limits or distance:

Provided that, when arrest or search is to be made within the limits of any cantonment, the Collector or other officer authorized under this Act to make arrest or search shall, whenever it may be practicable, give previous notice to the commanding officer, and in all other cases shall report the arrest or search to such commanding officer with as little delay as possible:

Provided also that nothing herein contained shall affect the provisions of Act No. III of 1880[a] (*to amend the law relating to Cantonments*).

X.—MISCELLANEOUS.

Drawback on exportation.

83. A drawback of the duty levied under Part IV of this Act on spirits manufactured after the English method, and exported by sea to Aden or any port not situate in British India, shall be allowed by the Collector of Customs at the port of exportation:

Provided that the exportation be made within one year from the date of the payment of duty under this Act, and that the spirits, when brought to the Custom-house, be accompanied by the pass in which such payment is certified.

The amount of drawback to be allowed upon spirits for which duty has been paid shall be regulated according to the strength and quantity of the said spirits, as ascertained by such proof and gauge.

The quantity of spirits, for which credit is to be given in the settlement of any bond, shall be determined in the same manner.

Drawback when not allowed.

84. No drawback shall be allowed on spirits exported to any port in British India except Aden, or on spirits shipped as stores.

Recovery of sums due under bond.

85. Any sum remaining due to Government upon the settlement of a bond executed according to the provisions of this Act, may be recovered by any process for the time being in force for the recovery of arrears of revenue due from farmers of land or their sureties, or by suit on the bond in any Court of competent jurisdiction.

Appeals from orders and sentences under Act.

86. All orders passed by a Collector under this Act shall be appealable to the Commissioner in the usual manner under the rules in force relative to appeals from the orders of Collectors.

MADRAS ACT No. I OF 1873.

Received the Governor's assent on the 21st of April, 1873, and the Governor General's assent on the 15th of May, 1873.

An Act to prevent the indiscriminate destruction of wild Elephants.[b]

Preamble.

WHEREAS it is expedient to make provision to prevent the indiscriminate

---

[a] See Act No. III of 1880, sec. 2.

[b] Extended to Coorg under Act No XIV of 1874, by Home Department Notification No. 306, dated 22nd February, 1875, *Gazette of India*, 27th February, 1875, p. 95.

destruction of wild elephants within the Presidency of Madras; It is hereby enacted as follows:—

Local extent.

1. This Act extends to the territories for the time being subject to the Government of the Presidency of Fort St. George; and it shall come into force on the first day of October, 1873.

Commencement.

Destruction of wild elephants prohibited.

2. From and after the said day, the destruction of wild elephants is prohibited, except as hereinafter provided.

Penalty for destroying female elephants.

3. Whoever shoots at, or intentionally destroys, or abets, within the meaning of the Indian Penal Code, the shooting at, or destruction of, any wild female elephant upon waste or forest-land, whether such land be the property of Government or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding three months.

Any person convicted under this Act of an offence committed after his previous conviction under this Act shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

Penalty for destroying male elephant on Government land without license.

4. Whoever, not being authorized thereto by a license granted under the provisions of section 7, shoots at, or intentionally destroys, or abets, within the meaning of the Indian Penal Code, the shooting at, or destruction of, any wild male elephant upon waste or forest-land, the property of the Government, shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment respectively provided for a first or second conviction in section 3 of this Act.

Saving as to destruction of male elephants on zamíndárí or private land.

5. Nothing in this Act shall be deemed to prevent any zamíndár or other proprietor or occupier of land, or any person duly authorized in that behalf by any such zamíndár, proprietor or occupier, from destroying wild male elephants upon the waste or forest-lands of such zamíndár, proprietor or occupier.

Saving as to destruction of elephants on cultivated lands, &c.

6. Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying, any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at, or destroying, any male or female elephant in defence of himself or any other person.

License to shoot male elephants.

7. The Collector or other officer in charge of a district may, subject to such rules as may, from time to time, be made by the Local Government, issue a license to any person authorizing him by name to shoot wild male elephants upon waste or forest-lands, the property of the Government, in such district, for the period of one year from the date of the grant of such license.

Every such license shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period :

Proviso. Provided that every such license shall become void upon the conviction under this Act of the person to whom such license was granted.

Power to make rules for grant or renewal of licenses.

8. The Local Government may make rules for regulating the grant or renewal of licenses under this Act, and the fees to be charged on such grant or renewal, and may, from time to time, alter or cancel such rules.

Limitation of prosecutions.

9. Every prosecution under this Act shall be commenced within a period of six months from the date of the offence in respect of which it is instituted.

THE EUROPEAN BRITISH MINORS ACT, 1874.

CONTENTS.

PREAMBLE.

PART I.—PRELIMINARY.

SECTION.

1. Short title.
   Local extent.
   Personal application.
   Commencement.
2. Interpretation-clause.

PART II.—APPOINTMENT OF GUARDIANS.

3. Appointment by parent.
4. Appointment by Court.
5. Application for appointment.
   Stamp.
   Verification.
   Notice of application.
6. Production of minor.
7. Evidence of fitness.
8. Procedure.
   Forms.
   Subsidiary rules.
9. Orders under Act not to be contested.
10. Rules for awarding custody of minor.

PART III.—GUARDIANS' DUTIES, RIGHTS AND LIABILITIES.

A.—Guardians of the Person.

11. Duties of guardian of the person.

SECTION.

12. Ward's religion.
13. Guardian entitled to custody of ward.
14. Removal of ward from jurisdiction.

B.—Guardians of Property.

15. Duties of guardian of property.
Prohibition of waste.
16. Power to lease.
17. Power to use principal for ward's maintenance, &c.
18. Rules as to guardians of property.

C.—As to all Guardians.

19. Minor guardians incompetent to act.
20. Guardians under control of Court.
21. Death of joint guardian.
22. Removal of guardian.
Appointment of successor.
23. Resignation of guardian.
24. Application for appointment on guardian's removal or resignation.
25. Close of authority of guardian.

SCHEDULE OF FORMS.

ACT No. XIII OF 1874.

Received the Governor General's assent on the 8th of December, 1874.

An Act to provide in the Panjáb and elsewhere for the guardianship of European British Minors.

Preamble.

WHEREAS it is expedient to provide in the Panjáb, Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam for the guardianship of minors who either are born in the United Kingdom or any British colony, or are the children or grandchildren of persons so born; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be called "The European British Minors Act, 1874:"

Local extent.

It extends to the territories respectively subject to the government of the Lieutenant-Governor of the Panjáb and to the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam;

Personal application.

So far as relates to minors, it applies only to persons born in the United Kingdom of Great Britain and Ireland, or any British colony, plantation or settlement other than British India, and to their children and grandchildren;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

'minor;'

'minor' means a person who has not completed the age of eighteen years;

'guardian;'

'guardian' means a person who is appointed to take care of a minor's person or property, or both; and

'Court.'

'Court' means the highest civil Court of appeal in any territory (other than British Burma) to which this Act extends.

In British Burma 'Court' means, in the town of Rangoon, the Court of the Recorder of Rangoon, and, elsewhere, the Court of the Deputy Commissioner.

PART II.—Appointment of Guardians.

Appointment by parent.

3. A guardian of the person or property, or both, of any minor may be appointed by will or other instrument to take effect upon the death of the parent appointing—

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*). if the minor is illegitimate, by the mother.

Appointment by Court.

4. If the Court within the local limits of whose jurisdiction any minor resides finds that the guardianship of his person or property has not been sufficiently provided for under section 3, the Court may appoint a guardian of his person or property, or both, as the case may be.

If the minor has several properties, the Court may, if it think fit, appoint a guardian for each such property.

If the Court appoints a guardian for any property situate beyond the local limits of its jurisdiction, the Court within the local limits of whose jurisdiction such property may be situate shall accept such guardian as duly appointed and give effect to the order appointing him.

Application for appointment.

5. Whoever desires to be appointed the guardian of a minor's person or property, or both, may apply to the Court within the local limits of whose jurisdiction the minor resides by petition setting forth the grounds of his application, and showing—

(*a*) the minor's age and residence;

(*b*) the nature and amount of his property;

(*c*) what relatives he has in India or elsewhere, and

(*d*) the qualifications of the proposed guardian and his willingness to act as such.

The petition shall bear a stamp of five rupees, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence. Stamp. Verification.

The Court, if satisfied that there is ground for proceeding, shall give notice of the application to the person (if any) named in the petition as having the custody or being in possession of the person or property of such minor, as well as to any other person whom the Court may think should receive such notice, and shall fix as early a day as may be convenient for the hearing of the petition. Notice of application.

6. The Court may direct that the person (if any) having the custody of such minor shall produce him at such place and time as may be appointed by the Court, and may make such order for the temporary custody and protection of the minor's person or property as may appear proper. Production of minor.

7. On the day fixed for the hearing of the petition or as soon after as may be practicable, the petitioner shall adduce evidence to show the fitness of the proposed guardian; Evidence of fitness.

and the Court shall make such order as it thinks fit in respect to the guardianship of the minor's person or property, or both, and the costs of the case.

8. In cases instituted under this Act, the Court shall be guided by the procedure prescribed in the Code of Civil Procedure in so far as the same is applicable; and any order made by the Court under section 6 or section 7 may be enforced as if such order had been made in a regular suit or on appeal; and all orders made under this Act by Deputy Commissioners in British Burma shall be appealable as if they were decrees. Procedure.

The forms set forth in the schedule hereto annexed, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule. Forms.

And the Court may from time to time prescribe rules consistent with this Act, for regulating the procedure hereunder: Subsidiary rules.

Provided that, in the case of Courts of Deputy Commissioners in British Burma, such rules shall be prescribed by the Judicial Commissioner.

9. Save as provided by section 8, no order passed under this Act in respect to the guardianship of a minor's person or property shall be liable to be contested in any other proceeding. Orders under Act not to be contested.

Rules for awarding custody of minor.

10. In appointing the guardian of a minor, the Court shall be guided by the following considerations:—

(*a*)—By what appears to be for the best interest of the minor in respect to his temporal and his mental and moral welfare; and if the minor is old enough to form an intelligent preference, the Court may consider that preference:

(*b*)—As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but if, other things being equal, the minor is of tender years, he should be given to the mother: if he is of an age to require education and preparation for labour and business, then to the father:

(*c*)—The Court shall also consider the following circumstances according as they may bear upon the guardianship of person or of property:—

(1) Nearness of relationship;

(2) The wishes of a deceased parent;

(3) Any existing or previous connection of the proposed guardian with the minor's person or property.

PART III.—Guardians' Duties, Rights and Liabilities.

A.—Guardians of the Person.

Duties of guardian of the person.

11. A guardian of the person is charged with the custody of the ward, and must look to his support, health and education.

Ward's religion.

12. A ward is presumed to be of his father's religion; and the guardian, in the absence of the Court's direction to the contrary, must train the ward in such religion. If the ward is old enough to form an intelligent preference for any religion, the Court, in giving such direction, shall attend to such preference.

Guardian entitled to custody of ward.

13. Any ward who may desert his home may be compelled by order of the Court to return. But such order may be withheld by the Court if it appear—

(*a*) that the ward has been subjected to maltreatment at the hands of his guardian;

(*b*) that the conduct of the guardian in other respects renders him unfit for the office, or

(*c*) that the ward is on reasonable grounds unwilling to return and is old enough to form an intelligent preference on such a subject.

Removal of ward from jurisdiction.

14. No guardian of the person appointed by the Court shall, without the leave of the Court, remove its ward from the limits of its jurisdiction.

Any person wilfully contravening this prohibition shall be liable by order of the Court to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

B.—Guardians of Property.

15. A guardian of the property shall keep safely the property of his ward. Duties of guardian of property.

In the case of immoveable property, he shall not suffer any waste, but shall maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property. Prohibition of waste.

16. The guardian of any immoveable property may make leases for any term not exceeding a year, or from year to year, of such property or any part thereof; and with the sanction of the Court, may make such lease of the property, or any part thereof, for such term of years and subject to such rents and covenants as the Court may direct; but in no such case shall any fine or premium be taken. Power to lease.

The lease shall be settled by an officer of the Court, and a counterpart thereof shall be executed by the lessee, and shall be deposited for safe custody in the Court until the ward completes the age of eighteen years; but all proper parties shall have the use thereof, if necessary, for the purpose of enforcing any covenant therein contained.

17. The Court may order that the principal of the ward's property, or any part thereof, shall be applied for his maintenance, education or advancement, and the guardian of such property shall obey such order. Power to use principal for ward's maintenance, &c.

18. Every guardian of the property of a minor shall— Rules as to guardians of property.

(*a*) give such security, if any, as the Court thinks fit duly to account for what he shall receive in respect of the minor's property;

(*b*) pass his accounts at such periods and in such form as the Court directs;

(*c*) pay the balance due from him thereon;

(*d*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties;

(*e*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

C.—As to all Guardians.

19. No person appointed a guardian shall be competent to act as such unless he has completed the age of eighteen years. Minor guardians incompetent to act.

20. Every guardian, whether appointed by a parent or under this Act by a Court, is subject to the control of the Court within the local limits of whose jurisdiction he resides. Guardian under control of Court.

21. On the death of one of two or more joint guardians, whether appointed by a parent or under this Act, the power continues to the survivor or survivors until a further appointment is made by the Court. Death of joint guardian.

Removal of guardian.

22. A guardian may be removed by the Court for any of the following causes:—

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) the arrival within such local limits of some person whose guardianship the Court may think likely to be more beneficial to the minor than the guardianship of the person so removed;

(*h*) in the case of a guardian of the property, for insolvency.

Appointment of successor.

In any such case the Court may appoint a successor to the guardian so removed.

Resignation of guardian.

23. Any guardian, whether appointed by a parent or by the Court, desiring to resign his office may apply to the Court to discharge him,

and if the Court finds that there is some other proper person whom it may appoint to such guardianship, it shall discharge the guardian accordingly and appoint such other proper person in his place.

Application for appointment on guardian's removal or resignation.

24. Applications for appointments under section 22 or section 23 shall be made in manner provided in section 5; and the procedure thereon shall be in accordance with section 7.

Close of authority of guardian.

25. The power of a guardian of the person ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority, and,

(*c*) in the case of a female ward, by her marriage followed by cohabitation.

The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority.

SCHEDULE.

I.—Petition for Appointment of Guardian.

(*See section 5.*)

In the Chief Court of the Panjáb [*or* In the Court of the Recorder of Rangoon, *or as the case may be*].

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

To Mr. Justice (*or as the case may be*).

The petition of *C. D.* of

Sheweth—

1. The said *A. B.* is now of the age of years and upwards. He is the same person as '*A.*, son of *C.* and *L. B.*' named in the paper-writing now produced and shown to me and marked *A*, and purporting to be a copy under the seal of the General Register Office of the entry No. in the certified copy of entries of births in the district of *D*, in the county of *L*, for the year 187 .

2. The said *A. B.* is absolutely entitled, under the will of *his maternal uncle E. F.*, late of (*residence and addition*) to the following properties (namely) :—

(*a*) a house in let to *N. O.* as yearly tenant at Rs. 1,000 a year.

(*b*) Rs. 20,000 in the four per cent. securities of the Government of India, standing in the names of *R. S.* and *T. W.*, the trustees of the will of the said *E. F.*

(*c*) Rs. 800 cash in the hands of the said *R. S.* and *T. W.*, arisen from dividends on the said stock.

3. The only relations of the said *A. B.* now living are—(*a*), your petitioner, his maternal uncle ; (*b*)—*S. H.*, wife of *T. H.* of (*residence and addition*), the half-sister of the said *A. B.*, and (*c*)—*R. D. V.*, the half-brother of the said *A. B.*, who is a Captain in Her Majesty's Army, and now stationed at Bombay.

4. The said *A. B.* was, at the time of the death of his father, *C. B.*, which happened on the 187 , and is now, residing as a scholar at Bishop Cotton's School, Simla, in the custody of the Rev. *M. N.*, the head-master.

5. Your petitioner [*here state his qualifications as guardian, e. g., that he has attained his majority, is married, has children, resides with his family at some reasonably healthy place, mentioning it, holds a responsible office, stating it*], and is willing to act as the guardian of the person and property [*or as may be*] of the said *A. B.* during his minority in case this Hon'ble Court shall think fit to appoint me to that office.

Your petitioner therefore prays this Hon'ble Court—

1. That your petitioner or some other proper person may, upon giving security, be appointed the guardian of the person and property of the said *A. B.* during his minority, or until further order.

2. And that the said *C. D.* or other such guardian may from time to time pass his accounts and pay the balances which shall be certified to be due from

him into the Government Treasury to the credit of this matter, and that such balances may be laid out in securities of the Government of India, or in loans or bonds secured by the Imperial Parliament on the revenues of India, or in debentures of railways guaranteed by the Government of India, and the interest to accrue thereon and all accumulations of interest be laid out in like manner.

3. And that the costs of this petition may be taxed as between attorney and client; and that the said *C. D.* or other such guardian may retain and pay the same out of any monies of the said minor which may come to his hands and be allowed the same on passing his said accounts.

(*Signed*) *C. D.*

Form of Verification.

(*See section 5.*)

I, *C. D.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

II.—Affidavit of Fitness of Guardian.

(*See section 7.*)

In the Chief Court, &c., (*or as the case may be*).

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

I, E. F., of (*residence and addition*), make oath and say as follows :—

1. I know and have for years past been well acquainted with *C. D.*, the petitioner in this matter.

2. The said *C. D.* is married and has children, namely, a son of the age of years and daughters of the respective ages of and years.

3. The said *C. D.* resides with his wife and children at

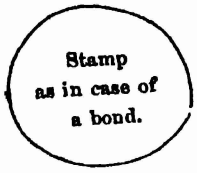
4. In my judgment and belief the said *C. D.* is a fit and proper person to be appointed guardian of the person and property of his nephew, the said minor *A. B.*, for the following reasons (*state them*) :—

Sworn at , this day of 187 , before me.

E. F.

(*Official character and description of E. F.*)

III.—Recognizance by a Guardian of property and his surety after an order appointing him subject to his giving security.



(*Short title.*)

The senior Judge of the Chief Court of the Punjab [*or as the case may be*] has approved of and allowed this recognizance.
X. Y.,
Registrar.

C. D., (*the principal*), of (*residence and addition*) and *L. M.* (*the surety*) acknowledge themselves and each of them acknowledges himself to owe to the Secretary of State for India in Council the sum of Rs. [*to be regulated by the sum which the guardian is likely to receive during the currency of his periodical account*] to be paid to the said Secretary of State for India in Council; and unless they pay the same, they, the said *C. D.* and *L. M.*, do and each of them doth grant for himself, his executors and administrators that the said sum shall be levied and received from them and each of them and from their and his moveable and immoveable property.

Dated the day of 187 .

WHEREAS, by an order of the Court of , made by (*name the Judge*), in a certain matter there depending, intituled 'In the matter of ' [*Recite the order appointing the guardian, subject to his giving security and continue thus*] :—

And whereas (*name the Judge who has approved of the surety and recognizance*) has approved of the above-bounden *L. M.* as surety for the said *C. D.*, and hath also approved of the above written recognizance with the underwritten condition as a proper security to be entered into by the said *C. D.* and *L. M.* pursuant to the said order, and in testimony of the said approbation, the Registrar [*or as the case may be*] of the said Court hath signed an allowance in the margin thereof.

Now the condition of the above-written recognizance is such, that if the said *C. D.* shall duly account for every sum of money which he shall receive on account of the property of the said minor *A. B.* and the rents and profits and other income thereof, at such periods as the said Judge shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court or Judge hath directed, or shall hereafter direct, then the above recognizance shall be void, otherwise the same shall remain in force.

C. D.
L. M. } Taken and acknowledged by the above-named *C. D.* and *L. M.*, at in this day of 187 before me.

(*Signature and style of office of the officer by whom the recognizance is taken.*)

MADRAS ACT No. VIII OF 1878.

Received the Governor's assent on the 30th of August, 1878, and the Governor General's assent on the 28th of September, 1878.[a]

An Act to prevent thefts of Coffee.

Preamble. WHEREAS it is expedient to make special provision to prevent thefts of coffee, and to repress and punish the offence of receiving or disposing of stolen coffee in the neighbourhood of coffee-plantations or estates; It is enacted as follows:—

Short title. 1. This Act may be called "The Madras Coffee-stealing Prevention Act, 1878."

Local extent. 2. This Act shall take effect in such districts, divisions, or parts of districts, or within such localities or limits, within the Presidency of Fort St. George, and from such date, as the Governor in Council may, from time to time, direct by notification published in the official Gazette.

Commencement.

Power to modify or annul notification. The Governor in Council may from time to time modify or cancel such direction by notification similarly published.

Interpretation. 3. In this Act—

'labourer:' "labourer" means and includes all persons (except resident managers) temporarily or permanently employed on a coffee-estate in any capacity whether agricultural, menial or otherwise howsoever:

'carrier:' "carrier" means and includes all persons for the time being employed in the transport of coffee, whether by porterage, pack-animals, boat, cart or otherwise, and whether as contractors, drivers or otherwise:

'coffee-estate:' "coffee-estate" means and includes any land on which coffee is growing:

'coffee.' "coffee" means and includes all coffee not roasted or otherwise prepared for immediate consumption.

Coffee not to be taken from labourer. 4. It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any labourer employed on a coffee-estate.

Coffee not to be taken from other than labourer, unless particulars entered in book. 5. It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any person other than a labourer employed on a coffee-estate, unless the person so purchasing, taking in barter or exchange, or receiving such coffee shall immediately thereupon enter or cause to be entered in a book to be kept by him for that purpose a true record of such transaction, specifying—

(*a*) the name, residence and occupation of the person from whom such coffee was so purchased, taken in barter or exchange, or received;

[a] Extended to Coorg by Notification No. 1458, dated 25th October, 1878—*Gazette of India*, 26th October, 1878, p. 633.

(*b*) the date of the transaction; and

(*c*) the quantity and description of the coffee so purchased, taken in barter or exchange, or received:

Provided that this section shall not apply to coffee purchased, taken in barter or exchange, or received from any person other than a labourer employed on a coffee-estate, and intended *bonâ fide* for consumption in the house or on the premises of the person purchasing, taking in barter or exchange, or receiving the same as aforesaid.

Section not to apply to coffee taken for *bonâ fide* personal consumption.

6. All books required by section 5 to be kept by persons purchasing coffee shall be produced upon the requisition of any Police-officer not below the rank of an officer in charge of a Police-station, generally or specially authorized by any Magistrate to require the production of such books.

Books to be produced on Police-officer's requisition.

7. It shall not be lawful for any one to purchase or take in barter or exchange coffee from any carrier, or for any carrier to sell or give in barter or exchange any coffee, unless the person so purchasing or taking in barter or exchange such coffee shall, besides making the entry required by section 5 of this Act, also enter or cause to be entered in the book mentioned in the said section 5 the marks (if any) on the bags or other packages in which such coffee may be contained, and unless the entries required by this section and by the said section 5 be also correctly signed by such carrier in his own name, and attested by a Police-officer or the headman of the village within which the transaction takes place; for which attestation no fee shall be chargeable.

Conditions under which coffee may be taken from carrier.

8. Any person committing any breach of the provisions contained in section 4, 5, 6 or 7 of this Act shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

Penalty for breach of section 4, 5, 6 or 7.

9. Any cooly maistry or other labourer employed on a coffee-estate found with green gathered coffee in his possession, and failing to account satisfactorily for such possession, shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

Penalty on labourer found in possession of green coffee for which he cannot account.

10. No person shall carry or remove coffee from any coffee-estate, premises or place, or upon any road, highway or footway, without the express permission of the owner or of his authorized agent.

Coffee not to be carried without permission of owner or agent.

Such permission shall be in writing, dated and signed by the said owner or his authorized agent, and shall contain the following particulars:—

Permission to be in writing, &c.

(*a*) the quantity of the coffee to be carried or removed;

(*b*) the number, description and marks of the packages in which such coffee is secured;

(*c*) the place or destination to which the coffee is to be carried or removed, and

Penalty for breach of section.

(*d*) the names of the consignor and consignee.

Any person committing any breach of the provisions of this section shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees.

Hours of gathering or removing coffee.

11. No coffee shall be gathered, moved, loaded or unloaded on any coffee-estate between sunset and sunrise.

Penalty for breach of provision.

Any person committing a breach of this provision, or abetting (within the meaning of the Indian Penal Code) such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees:

Saving of ordinary operations of curing.

Provided that nothing in section 10 or in this section shall apply to the ordinary operations of curing the crop on the estate, such as pulping or storing.

Procedure if gathering, &c., was done to commit theft.

12. If it shall appear that such gathering, moving, loading or unloading was for the purpose of committing a theft, the person or persons so engaged shall be liable to be charged with theft, or abetment of theft, and be proceeded against for such offence under the provisions of sections 378 and 379, or sections 107, 108 and 109 of the Indian Penal Code, as the case may be.

Punishment for second offence under section 9.

13. It shall be at the discretion of the Magistrate, in the case of any persons, not being females, who shall be convicted of a second offence under section 9 of this Act, to substitute or add corporal punishment under the provisions of Act No. VI of 1864[a] (*An Act to authorize the punishment of whipping in certain cases*), or of any other law for the time being in force in that behalf, for or to the penalties provided by this Act:

Proviso.

Provided that such substituted or additional punishment shall be awarded only in respect of the offence itself, and not as an alternative penalty for non-payment of fine.

Fines where paid.

14. All fines paid or levied under this Act shall be paid into the public treasury:

Magistrate may grant rewards to informers.

Provided that the Magistrate trying any case under this Act may grant the whole or any portion of any fine levied therein as rewards to persons furnishing such information as may have led to the conviction of offenders under this Act.

---

[a] See General Acts, vol. II, p. 656.

ACT No. XIV OF 1879.

Received the Governor General's assent on the 5th of September, 1879.

An Act for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hackney-carriage Act, 1879":

Commencement.

and it shall come into force at once;

Saving.

but nothing herein contained shall affect any power conferred by any law relating to municipalities, or any rule made in exercise of any such power.

Interpretation-clause.

2. In this Act—

"Hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept, or offered, or plies, for hire; and

"Committee" means a Municipal Committee, or a body of Municipal Commissioners, constituted under the provisions of any enactment for the time being in force.

Application of Act to municipalities.

3. The Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg, may, by notification in the official Gazette, apply this Act to any municipality in the territories administered by them respectively.

Power of committees to make rules.

When this Act has been so applied to any municipality, the committee of such municipality may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe, have the force of law:

Power of Local Government to rescind rules.

Provided that the Local Government may, at any time, rescind any such rule.

Power to make rules for cantonments.

4. The Local Government of any of the said territories may from time to time, subject to the control of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any military cantonment situated in the territory administered by it; and

the Governor General in Council may, from time to time, make rules for the regulation and control of hackney-carriages in any place in India, but not in British India, in which British troops are cantoned.

All rules made under this section when published for such time and in such manner as the authority making the same may, from time to time, prescribe, shall have the force of law.

Power to extend operation of rules beyond limits of municipality or cantonment.

5. The authority making any rules under this Act may extend their operation to any railway-station, or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned:

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Local Government, and, in the case of a cantonment situate in British India, subject to the control of the Governor General in Council.

When any rules have been made under this Act for any municipality, the Local Government may, subject to the control of the Governor General in Council, extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

What rules under sections 3 and 4 may provide for.

6. The rules to be made under section 3 or section 4 may, among other matters,—

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances under which, any

person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same;

(*i*) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges, and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall in any municipality be credited and debited respectively to the municipal fund, and in any cantonment where there is a cantonment-fund, to such fund.

Power of Magistrate to decide disputes regarding fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of any Magistrate or bench in any case under this section shall be final.

When any such case is heard by a bench, any difference of opinion arising

between the members of such bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

In case of dispute, hirer may require driver to take him to Court.

10. If at the time any dispute mentioned in section 9 arises, any Magistrate or bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or bench for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

THE VACCINATION ACT, 1880.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Application.
2. Interpretation-clause.
3. Extension of Act to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Act.
6. Prohibition of inoculation.
   Inoculated persons not to enter, without certificate, local area subject to Act.
7. Vaccination-circles.
   Vaccinators;
   Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.
   Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.
    Renewal of postponement certificates.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by private vaccinator.
    Proviso.

SECTIONS.

17. Duties of Superintendent of vaccination.
Notice to parent or guardian neglecting to comply with Act.
18. Order by Magistrate when notice not complied with.
Procedure when order not obeyed.
Magistrates to be non-official Natives.
19. Power to make rules for municipalities.
20. Power to make rules for cantonments.
21. What rules under sections 19 and 20 may provide for.
22. Punishment of offences.
23. Municipal funds to receive fines and meet expenditure.

ACT No. XIII OF 1880.

Received the Governor General's assent on the 9th of July, 1880.

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Vaccination Act, 1880": and

Application.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg as it may be extended to in manner hereinafter provided.

Interpretation-clause.

2. In this Act unless there is something repugnant in the subject or context,—

"Municipal Commissioners:"

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force:

"parent:"

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child:

"guardian":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child:

"unprotected child:"

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:

"inoculation:" (5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

"vaccination-circle:" (6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

"vaccinator:" (7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination:"

"vaccination-season:" (8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities. 3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

Extension to cantonments. 4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Power to withdraw local area from operation of Act. 5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or, with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Prohibition of inoculation. 6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter, without certificate, local area subject to Act. no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that

such person is no longer likely to produce small-pox by contact or near approach.

Vaccination-circles.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccinators;

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Unprotected children to be vaccinated.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children, or deliver certificates of postponement.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vaccinated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section 9 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates.

Provided that if the child is still found to be in a state unfit for vaccination, the certificate granted under section 9 shall be renewed.

Certificates of insusceptibility of successful vaccination.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

What lymph to be used.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

No fee to be charged except by private vaccinator.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

Proviso.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Duties of Superintendent of vaccination.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is

proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Notice to parent or guardian neglecting to comply with Act.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the District, or such Magistrate as the Local Government or the Magistrate of the District may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Order by Magistrate when notice not complied with.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22.

Procedure when order not obeyed.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be Natives of India, and not paid servants of the Government.

Magistrates to be non-official Natives.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Power to make rules for municipalities.

Provided that the Local Government may at any time rescind or modify any such rule.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

Power to make rules for cantonments

21. The rules to be made for any local area under sections 19 or 20 may, among other matters, provide for—

What rules under sections 19 and 20 may provide for.

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section 15;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month;

the result of each vaccination or its postponement, and the delivery of certificates, if any;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters; and

(*o*) the preparation of vaccination-reports and returns.

Punishment of offences.

22. Whoever commits any of the undermentioned offences (that is to say):—

(*a*) violates the provisions of section 6,

(*b*) neglects without just excuse to obey an order made under section 18,

(*c*) breaks any of the rules made under section 19 or 20, or

(*d*) neglects without just cause to obey an order made under section

18 after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say) :—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both ;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees ; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund.

PART II:

REGULATION MADE UNDER THE THIRTY-THIRD OF VICTORIA, CHAPTER 3.

REGULATION No. III OF 1880.

A Regulation to declare and amend the law relating to the collection of the public revenue in the Province of Coorg.

[*Published in the Gazette of India of 25th September, 1880, p. 477, and in the Mysore Gazette of 9th October, 1880, p. 288.*]

Preamble.

WHEREAS it is expedient to declare and amend the law relating to the collection of the public revenue in the Province of Coorg; It is hereby enacted as follows:—

Interpretation-clause. "Landholder":

1. The term "landholder," as used in this Regulation, shall mean and include all holders of land under jama, sagu or otherwise subject to the payment of revenue direct to Government:

"Public revenue":

"Public revenue" due on land shall, for the purposes of this Regulation, be taken to include cesses or other dues payable to Government on account of water supplied for irrigation:

"Chief Commissioner" and "Superintendent."

"Chief Commissioner" and "Superintendent," as used in this Regulation, mean the Chief Commissioner of Coorg and the Superintendent of Coorg respectively.

Land, the security for the revenue.

2. The land, the buildings upon it and its products shall be regarded as the security for the public revenue.

Landholder when and to whom to pay his kist.

3. Every landholder shall pay to the Superintendent, or other officer empowered by him to receive it, the revenue due upon his land on or before the day on which it falls due, according to the kistbandí or other engagement, and where no particular day is fixed, then within the time when the payment falls due according to local usage: Provided that it shall be lawful for the Chief Commissioner, by notification published in the official Gazette, to alter and fix from time to time the amount of the several kists or instalments, and the dates at which they shall respectively become payable.

Arrear of revenue defined.

4. When the whole or a portion of a kist is not so paid, the amount of the kist or of its unpaid portion shall be deemed to be an arrear of revenue.

Arrear of revenue how to be recovered.

5. Whenever revenue is in arrear, it shall be lawful for the Superintendent, or other officer empowered by the Superintendent in that behalf, to proceed to recover the arrear, together with interest and costs of process, by the sale of the defaulter's moveable and immoveable property, in manner hereinafter provided.

Chief Commissioner empowered to appoint officer to sell distrained property.

6. The Chief Commissioner may, from time to time, appoint such officer or officers as may be necessary to sell, subject to all the rules and provisions contained in this Regulation, property distrained for arrears of revenue. Such officer or officers shall be subject also to the control and superintendence of the Superintendent.

Arrears of revenue to bear interest.

7. Arrears of revenue shall bear interest at the rate of six per cent. per annum; but the Superintendent may remit, for sufficient cause shown, the interest due on the arrear or any part of it.

Rules for seizure and sale of moveable property.

8. In the seizure and sale of moveable property for arrears of revenue, the following rules shall be observed :—

Demand in writing.

First.—The Superintendent, or other officer empowered by the Superintendent in that behalf, shall furnish to the person employed to distrain the property of a defaulter a demand in writing, and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due. The person employed to distrain shall produce the writing which, if the arrear, together with the batta due to him under section 48, be not at once paid, shall be his authority for making the distress; and on the day on which the property may be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained and the name of the place where it may be lodged or kept.

Defaulter to be served with a copy.

Writing to state that the distrained property will be sold.

Second.—The writing shall further set forth that the distrained property will be immediately brought to public sale, unless the amount, with interest, batta and all the expenses of the distress, be previously discharged.

Mode of service when defaulter is absent.

Third.—When a defaulter is absent, a copy of the writing, with the endorsement, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained, before the expiration of the third day calculating from the day of the distress.

Consequence of defaulter neglecting to pay after notice.

9. When the amount due has not been paid pursuant to the terms of the demand, and no arrangement for securing the same has been entered into to the satisfaction of the Superintendent, or other officer empowered by the Superintendent in that behalf, the distrainer shall transmit an inventory of the

property distrained to the nearest public officer empowered by the Chief Commissioner, under section 6, to sell distrained property, in order that it may be publicly sold for the discharge of the arrear due, with interest, batta and cost of distraint.

On tender of arrear and expenses prior to day of sale, distress to be withdrawn.

10. Where a defaulter tenders payment of the arrear demanded after his property has been distrained, and prior to the day fixed for sale, together with payment of interest, batta and all necessary expenses attending distress, the distrainer shall receive the amount immediately upon the same being tendered, and shall forthwith release the property.

Distrained crops how to be dealt with.

11. The distrainer attaching the crops or ungathered products of the land belonging to a defaulter may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season, and stored in proper places until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Tenant may pay arrears and terminate attachment.

When crops or products belonging to a tenant have been sold, it shall be lawful for such tenant to deduct the value of the crops or products so sold from any rent which may be due by him, then or afterwards, to the defaulter, in respect of the land on which such crops or products have been grown. It shall also be lawful for a tenant whose crops are attached for an arrear of revenue to pay the arrear and deduct the amount in the aforesaid manner from any rent due by him, then or afterwards.

Distrained cattle or goods not to be used.

12. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained; he shall provide the necessary food for the cattle or live-stock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Officer responsible on neglect in respect of distrained property.

13. Where property distrained is stolen or lost or damaged by reason of the necessary precautions for its due preservation not having been taken, or from its having been improperly worked or made use of, the amount of such loss or damage shall be recoverable by summary process by the Superintendent from the officer whose neglect or act occasioned the loss or damage, and the amount, when recovered, shall be paid to the person damnified.

Distress to be proportionate to the arrear.

14. The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the amount of the arrears, and such cattle and agricultural implements as may be required by the defaulter for the purpose of cultivation shall be exempt from attachment.

Time of distress.

15. Distress shall be made after sunrise and before sunset, and not otherwise.

Penalty for fraudulent conveyance of property to prevent distress.

16. Where a defaulter makes a fraudulent conveyance of property to prevent the distress for arrears, any civil Court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer. The defaulter shall further be liable to the penalties prescribed by section 424 of the Indian Penal Code.

Claims to property distrained and sold.

17. Where any person, not being a defaulter or responsible for a defaulter, claims a right to the property distrained, and the distrainer may notwithstanding cause the same to be sold, such claimant, on proof of such right in any civil Court of competent jurisdiction, and in the event of the distrainer being unable to prove the responsibility for the arrear of revenue on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with interest, costs and damages, according to the circumstances of the case. But claims to crops upon the ground, or to gathered products of the ground, attached in the possession of the defaulter, whether founded upon a previous sale, mortgage or otherwise, shall not bar the prior claim of revenue due from the ground upon which such crop or product may have been grown.

Revenue to be the first charge.

Penalty for forcibly or clandestinely taking away distrained property.

18. Where it is proved to the satisfaction of any civil Court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the Court may summarily cause such property to be restored to the distrainer. The offender shall further be liable to the penalties prescribed by the Indian Penal Code.

What places distrainer may force open.

19. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out-house or other building, and he may also enter any dwelling-house the outer door of which may be open, and may break open the door of any room in such dwelling-house, for the purpose of attaching property belonging to a defaulter and lodged therein: Provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling-house appropriated for the zanána or residence of women, except as hereinafter provided.

Powers of distrainer to force open doors in the presence of a Police-officer.

20. Where a distrainer has reason to suppose that the property of a defaulter is lodged within a dwelling-house the outer door of which is shut, or within any apartments appropriated to women which, by the usage of the country, are considered private, such distrainer shall represent the same to the officer in charge of the nearest Police-station. On such representation, the officer in charge of the said station shall send a Police-officer to the spot, in presence of whom the distrainer may force open the outer door of such dwelling-house, in like manner as he may break open the door of any room within the house except the zanána. The distrainer may also, in the presence of the Police-officer, after due notice given for the removal of women within a zanána,

and after furnishing means for their removal in a suitable manner (if they be women of rank who according to the customs of the country cannot appear in public), enter the zanána apartments for the purpose of distraining the defaulter's property deposited therein; but such property, if found, shall be immediately removed from such apartments, after which they shall be left free to the former occupants.

Punishment for unlawful entry.

21. Persons entering the apartments of women or forcing open the outer door of dwelling-houses contrary to the provisions of this Regulation shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term which may extend to six months.

Proclamation to be made of the time of sale, and of the property to be sold.

22. The public officer empowered by the Chief Commissioner, under section 6, to sell distrained property shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a list of the property to be sold, with a notice specifying the place where, and the day and hour at which, the distrained property will be sold, and shall cause proclamation of the intended sale to be made by affixing a copy in the village ambála or meeting-place, or by beat of drum, or by other customary mode in the village to which the lands on which the arrear has accrued may belong, and in such place or places as the Superintendent, or other officer empowered by the Superintendent in that behalf, may consider necessary to give due publicity to the sale.

No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice may be published as above stated.

Sale how to be conducted.

23. At the appointed time, the property shall be put up in one or more lots as the said officer may consider advisable, and shall be disposed of to the highest bidder. Where the property is sold for more than the amount of the arrear, the overplus, after deducting expenses of process and interest, shall be paid to the defaulter.

Payment on the purchase of distrained property how to be made.

24. The property shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall appoint; and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full.

Re-sale in case of default.

Where the purchaser fails in the payment of the purchase-money, the property shall be re-sold, and the defaulting purchaser shall be liable for any loss arising, as well as the expenses incurred, on the re-sale. Where the property on the second sale is sold for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

Demand to be

25. Before the Superintendent, or other officer empowered by the Super-

served prior to attachment of land.

intendent in that behalf, proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter specifying the amount due, the estate or land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who shall serve the demand, and the time allowed for payment, which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid.

Mode of service.

Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorized agent, or by affixing a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the land about to be attached.

Consequence of defaulter neglecting to pay.

26. When the amount due has not been paid pursuant to the terms of the demand, and no arrangement for securing the same has been entered into to the satisfaction of the Superintendent, or other officer empowered by the Superintendent in that behalf, he shall proceed to recover the arrear by the attachment and sale of the defaulter's land in the following manner.

Mode of attachment.

27. The attachment shall be effected by affixing a notice thereof to some conspicuous part of the land. The notice shall set forth that unless the arrear, with interest and expenses, be paid within the date therein mentioned, the land will be brought to sale in due course of law. The attachment shall be notified by public proclamation on the land and by publication of the notice in the official Gazette.

Appointment of agents.

28. It shall be lawful for the Superintendent, when attaching the land of a defaulter, or at any time during such attachment, to assume the management of the property attached. In such case he shall appoint an agent with a proper establishment of officers to manage the property, and shall give the agent a certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property: Provided always that where the property may be too inconsiderable to admit of its being charged with the salary of an agent, it shall be committed to the care of such Revenue-officer as the Superintendent may select, who shall be subject to all the provisions hereinafter contained in reference to agents.

In certain cases, Revenue-officer to take charge.

Notice of assumption of management.

29. Notice of the assumption of management shall forthwith be served on the defaulter in the manner described in section 25, and shall be notified by public proclamation on the land and by publication in the official Gazette.

Duties of agent.

30. It shall be the duty of the agent, during the continuance of management under section 28, to collect the rents and profits due, or accruing due,

upon the estate, according to the engagements subsisting between the defaulter and the parties holding under him, or according to established usage where no specific engagements exist.

The agent shall keep accounts of all his receipts and disbursements, and submit the same and pay over the balance to the Superintendent, or other officer empowered by the Superintendent in that behalf, monthly or whenever required; and the defaulter shall be at liberty to inspect the accounts at all reasonable times, and to take copies of the same at his own expense without fee.

Liability of agent to suit or prosecution.

31. It shall be lawful for the defaulter to proceed by prosecution or suit against the agent in respect of any criminal or illegal act done by him to the injury of the defaulter or his estate; and all tenants or other persons holding by subordinate title shall have the same remedies against him as they would have had against the defaulter if the act were done by the defaulter.

Effect of existing agreements between landholder and tenants.

32. All engagements entered into between the landholder and his tenants, except such as are hereinafter mentioned, shall be binding upon the Superintendent during attachment; but all such engagements made collusively with a view to defeat or delay the effect of the attachment, and all leases of land at a rate lower than the usual rates of assessment, and not made *bonâ fide* for the purpose of erecting factories or buildings, or of bringing waste-land into cultivation, and all engagements made subsequently to attachment, shall be null and void against the Superintendent if he shall so declare; subject, however, to the right of the parties to such agreement to bring a suit against the Superintendent in the ordinary tribunals to establish the same; and all charges or incumbrances upon such land shall be postponed to the payment of the public revenue.

Payments by tenants.

33. All payments on account of rent or profits actually due made before public notice of assumption of management, to or on behalf of any landholder by any person holding under him, shall be valid against the Superintendent; and all such payments made after public notice of such assumption, or made before they were actually due, shall be null and void against the Superintendent, who shall be entitled to recover as arrears of rent the full amount from the parties by whom it was paid, leaving them to sue the defaulter in the ordinary courts of law.

Mode of settlement on withdrawal of attachment.

34. All sums received from the property attached, after paying the expenses of attachment and management, shall be carried to the credit of the defaulter in discharge of the arrears due, and interest thereon at the rate of six per cent. per annum; and as soon as all arrears, interest, costs of attachment and expense of management have been liquidated, the attachment shall be withdrawn, and a full account rendered of all receipts and disbursements during its continuance.

Persons interested in land may release it from attachment.

35. Any person claiming an interest in land which has been or is about to be attached may obtain its release by paying the arrears, interest and costs incurred; and all such sums, if paid by a tenant, may be deducted from any rent then or afterwards due by him to the defaulter; and if paid by a *bonâ fide* mortgagee or other incumbrancer upon the estate, shall constitute a debt from the defaulter to him, and shall be a charge upon the land, but shall only take priority over other charges according to the date at which the payment was made.

Rules to be observed in sale of immoveable property.

36. In the sale of immoveable property under this Regulation, the following rules shall be observed:—

Public auction.

First.—The sale shall be by public auction to the highest bidder. The time and place of sale shall be fixed by the Superintendent, or other officer empowered by the Superintendent in that behalf. The time may be either previous to or after the expiration of the official year.

Second.—Previous to the sale, the Superintendent, or other officer empowered by the Superintendent in that behalf, shall issue a notice thereof in English and in Kanarese specifying the name of the defaulter, the position and extent of land and of the buildings thereon, the amount of revenue assessed on the land or upon its different sections, the proportion of the public revenue due during the remainder of the current official year, and the time, place and conditions of sale. This notice shall be fixed up one month at least before the sale in the Superintendent's office and in the taluq kachahrí, in the nád kachahrí and on some conspicuous part of the land.

Notification one month before sale.

Deposit and payment of balance.

Third.—A sum of money equal to fifteen per cent. of the price of the lands shall be deposited by the purchaser in the hands of the Superintendent, or other officer empowered by the Superintendent in that behalf, at the time of the purchase; and where the remainder of the purchase-money may not be paid within thirty days, the money so deposited shall be liable to forfeiture.

Re-sale in default of payment.

Fourth.—Where the purchaser refuses or omits to deposit the said sum of money, or to complete the payment of the remaining purchase-money, the property shall be re-sold at the expense and hazard of such purchaser, and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the lands on the second sale are sold for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

Agents to name their principals.

Fifth.—All persons bidding at a sale may be required to state whether they are bidding on their own behalf or as agents, and in the latter case to

deposit a written authority signed by their principals. If such requisition be not complied with, their bids may be rejected.

Tender of arrears up to sunset on day previous to sale.

37. The defaulter, or any person acting on his behalf or claiming an interest in the land, may tender to the officer appointed to conduct the sale the full amount of the arrears of revenue with the interest thereon, and all charges which have been incurred in demanding the arrears, or in attaching or managing the estate or in taking the steps necessary for sale, and thereupon the sale shall be stayed: Provided that such tender must be made before sunset on the day previous to that appointed for the sale, and all sums so paid by any tenant, or *bonâ fide* mortgagee, or other incumbrancer, shall be deemed payments under section 35.

Purchaser to be registered.

38. Lands purchased at a public sale shall be registered in the name of the actual purchaser, who shall receive a certificate of sale signed and sealed by the Superintendent, which shall be conclusive evidence of the fact of the purchase, and no proof of the Superintendent's seal or signature shall be necessary, unless the authority before whom it is produced has reason to doubt its genuineness.

Effect of certificate.

Proclamation of sale.

39. When lands are purchased at public sale, the Superintendent, or other officer empowered by the Superintendent in that behalf, shall publish in the villages in which the land sold may be situated, in the kachahrí of the taluq and nád, in the head kachahrí of the district, and in the official Gazette, the name of the purchaser and the date of purchase, together with a declaration of the lawful transfer to such purchaser of all the rights and property of the former landholder in the said lands.

Delivery of possession.

40. Where, notwithstanding such publication, any lawful purchaser of land is resisted and prevented from obtaining possession of his purchased land, any Court of competent jurisdiction, on application and production of certificate of sale provided for by section 38, shall cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the purchased lands had been decreed to the purchaser by a decision of the Court.

Contracts with and payments to defaulter how far binding on purchaser.

41. All contracts entered into by the defaulter with his tenants, and all payments to him by them, shall be binding upon the purchaser to the same extent and under the same conditions as laid down in sections 32 and 33 of this Regulation.

Sale to be free of all incumbrances.

42. All lands brought to sale on account of arrears of revenue shall be sold free of all incumbrances, and if any balance shall remain after liquidating the arrears with interest, and the expenses of attachment and sale, and other costs due in respect of such arrears, it shall be paid over to the defaulter, unless such payment be prohibited by the order of a Court of competent jurisdiction.

Disposal of surplus.

Arrears of rent due to defaulter from under-tenants on day of sale how to be recovered.

43. Arrears of rent which on the day of sale may be due to the defaulter from his under-tenants shall, in the event of the sale, be recoverable by him after the sale by any process, except distraint, which might have been used by him for that purpose before the said sale.

Sale of land.

44. The Superintendent, or other officer empowered by the Superintendent in that behalf, may sell the whole or any portion of the land of a defaulter in discharge of arrears of revenue: Provided that where the land on which the demand is due consists of a warg or farm which is readily divisible into one or more compact blocks, no larger section in the land shall be sold than may be sufficient to discharge the arrears with interest, and expenses of attachment, management and sale.

Sale may be postponed on tender of security.

45. When a defaulter tenders security, the Superintendent, or other officer empowered by the Superintendent in that behalf, may accept it and postpone the sale of the defaulter's property upon such conditions and until such time as he may appoint; in the event of default being made in the performance of such conditions, the Superintendent or such officer may sell the property and proceed against the defaulter or against his security, or both.

Mode of enforcing payment by sureties.

46. All the remedies prescribed by this Regulation in case of revenue defaulters may be employed against their sureties, and the Superintendent, or other officer empowered by the Superintendent in that behalf, may enforce the same simultaneously with, or either previously or subsequently to, their enforcement against the principal; so, nevertheless, that no more than the total sum in arrears, and interest with costs and charges, shall be realized from both.

Similar process in case of other species of revenue, advances, fees and cesses.

47. All arrears of revenue, other than land-revenue, due to Government, all advances made by Government to owners and occupiers of land for the relief of distress or any purpose connected with agricultural objects but not specified in the Land Improvement Act, 1871, and all fees or other dues payable by any person to or on behalf of the village-servants employed in revenue or Police-duties, and all cesses lawfully imposed upon land, may be recovered in the same manner as arrears of land-revenue under the provisions of this Regulation, unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.

Process-servers to be paid batta.

48. Persons employed in serving notices or any other process under this Regulation shall be entitled to batta at such rates as may, from time to time, be fixed by the Chief Commissioner with the sanction of the Governor General in Council and published in the official Gazette.

Interest and charges re-

49. The batta mentioned in the foregoing section, as well as interest, and all costs and charges incurred under the authority of this Regulation, shall be

recoverable from the defaulter and his sureties in the same manner as arrears of revenue. coverable as arrears.

50. Where property having been attached or distrained is ordered to be put up for sale and the sale is countermanded, the proprietc · shall nevertheless be responsible for the expenses incurred in consequence of tl ..achment or distraint in the same manner as if the sale had taken place; and in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the process under which the original demand would have been recoverable. Expense of countermanded sales to be sustained by defaulter, and recovered as an arrear.

51. Every person making a payment of revenue shall be entitled to a receipt for the same, signed by the Superintendent or other officer empowered by the Superintendent in that behalf. Receipts of payment of revenue.

Such receipt shall state the name of the person making the payment and the subject-matter in respect of which it is paid, and, in case of land-revenue, shall describe the land on which the assessment is due, and the names of the persons entered in respect thereof in the settlement-account.

52. No Court of civil judicature shall take into consideration or decide any question as to rate of land-revenue payable to Government, or as to the amount of assessment fixed or to be hereafter fixed by the Government. Civil Court not to take cognizance of questions relating to rate of revenue.

53. Nothing contained in this Regulation shall be held to prevent parties deeming themselves aggrieved by any proceedings under this Regulation, except as hereinbefore provided, from applying to the civil Courts for redress: Provided that civil Courts shall not take cognizance of any suit other than a suit for compensation instituted by such parties for any such cause of action, unless such suit shall be instituted within six months from the time at which the cause of action arose. Suits by persons aggrieved by proceedings under this Regulation. Limitation of suits.

54. No suit brought against the officer holding at any time the office of Superintendent of Coorg by any person deeming himself aggrieved by anything done or purporting to be done under this Regulation shall abate by reason of the departure from his district of the officer against whom such suit shall have been brought; but the suit may be continued against the successor of such Superintendent in all respects as though it had been instituted against himself. A suit may be brought against any Superintendent in his official capacity on account of anything done or purporting to have been done under this Regulation by his predecessor subject to the limitation prescribed in the preceding section: Provided that no Superintendent shall be personally liable for any official act of his predecessor. Suits against Superintendent to survive against his successor, or to be originally maintainable against him. No personal liability for acts of predecessor.

55. This Regulation shall take effect from the date of its publication in the official Gazette. Commencement.

Government Central Press.—No. 120 L. D.—4-12-90.—300.

The following Books may be had from the Office of the Superintendent of Government Printing, No. 8, Hastings Street, Calcutta.

THE INDIAN STATUTE-BOOK.

REVISED EDITION.

By Authority.

Super-royal 8vo., cloth, lettered.

A.—GENERAL ACTS.

VOL. I.—THE GENERAL ACTS FROM 1834 TO 1863. Price, Rs. 8; packing and postage, 12 annas.

VOL. II.—THE GENERAL ACTS FROM 1864 TO 1871. Price, Rs. 8; packing and postage, 12 annas.

VOL. III.—THE GENERAL ACTS FROM 1872 TO JUNE 1876. Price of each volume, Rs. 8; packing and postage, 12 annas.

B.—LOCAL REGULATIONS AND ACTS.

VOL. IV.—The MADRAS CODE. Price, Rs. 8; packing and postage, 8 annas.

VOL. V.—THE OUDH CODE. Price, Rs. 4-8; packing and postage, 6 annas.

VOL. VI.—THE NORTH-WESTERN PROVINCES CODE. Price, Rs. 8; packing and postage, 8 annas.

VOL. VII.—THE BRITISH BURMA CODE. Price, Rs. 3; packing and postage, 6 annas.

VOL. VIII.—THE PANJÁB CODE. Price, Rs. 4-8; packing and postage, 8 annas.

VOL. IX.—THE LOWER PROVINCES CODE, VOL. I. Price, Rs. 8; packing and postage, 8 annas.

VOL. X.—THE LOWER PROVINCES CODE, VOL. II. Price, Rs. 8; packing and postage, 12 annas.

VOL. XI.—THE AJMER CODE. Price, Rs. 3; packing and postage, 6 annas.

VOL. XII.—THE BOMBAY CODE. Price, Rs. 8; packing and postage, 12 annas.

VOL. XIII.—THE COORG CODE. Price, Rs. 2; packing and postage, 6 annas.

In the Press:

VOL. XIV.—THE CENTRAL PROVINCES CODE.

INDEX TO THE ENACTMENTS RELATING TO INDIA. Compiled, under the orders of the Government of India, by Stephen Jacob, B. C. S., to which are prefixed Chronological Tables of the Acts and Regulations of the Indian Legislatures. Price, Rs. 10; packing and postage, 12 annas.